

27

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Page 126

BRIAN SCHMONSESS, ATTORNEY!

Attorney

I can tell you because the evidence does not apply that MR. CHAMPAGNE did pass polygraphs as to at least some of the touching that had been alleged. I have also consulted with a expert witness in this case, who has great concerns about the states investigation and the amount of contamination that may have been present in some of the interviews!

POLYGRAPH

From the beginning I took four polygraphs and passed each one. I thought a polygraph had meaning showing when a individual takes one and passes it proves beyond a reasonable doubt that the person taking it is telling the truth. The court in CLACKAMAS county convicted me by prepping each individual witness that was going to testify for the state to give the answers that they talk about before trial.

Well now your going to see some more false testimony by each witness that took the stand. The District Attorneys perjured statements are also presented for your viewing.

Case # 19-956448 - Supplement Report

REPORT DATE / TIME

Jul 31, 2019 13:33

EVENT START DATE / TIME - EVENT END DATE / TIME

Jul 30, 2019 10:45 - 11:00

PRIMARY REPORTER

PATRICK BRAY #38260

SUPPLEMENT TYPE

Investigative supplemental

NARRATIVE

Polygraph

On 07/30/2019 at approx. 1050 hours I received a phone call from Tammy Jessen. She advised me she was the polygraph examiner utilized by attorney Paul Ferder for his client Michael Champagne. Mr. Ferder had previously left me a voicemail and advised Mr. Champagne took a polygraph and "passed". I called him back and left a message I would be interested in this polygraph report, along with charts. He never called me back.

Ms. Jessen advised she would mail me the polygraph report and the charts. She was provided the Sheriff's Office mailing address.

I asked Ms. Jessen what questions were asked of Mr. Champagne during the examination. She indicated she asked a total of (14) questions for miscellaneous purposes. Three of those question were considered "relevant" questions. I asked her what those three questions were specifically. She advised they were:

- 1) Have you had physical sexual contact with Avery?
- 2) Did you ever touch Avery's bare genital area for a sexual purpose?
- 3) Did you ever cause Avery to touch your bare genital area?

These questions were specific to Avery only. This polygraph and charts will be attached to this case upon receipt.

Action Recommended

Copied to DA

I TOOK FOUR polygraph exams AND PASSED EACH ONE-

INVOLVED PERSONS

INVOLVED PERSON-1 NAME (LAST, FIRST MIDDLE)

P-1 Jessen, Tammy

DOB / ESTIMATED AGE RANGE

INVOLVEMENT TYPE

Mentioned

REPORTING OFFICER SIGNATURE / DATE

PATRICK BRAY #38260 Jul 31, 2019 13:38 (e-signature)

PRINT NAME

PATRICK BRAY #38260

SUPERVISOR SIGNATURE / DATE

GEOFFREY ERICHSEN #29524 Jul 31, 2019 14:31 (e-signature)

PRINT NAME

GEOFFREY ERICHSEN #29524

000216

EXAMINATION

At the completion of this interview, a standard set of questions was prepared and reviewed with the client prior to beginning the examination. All questions were discussed before beginning the test.

1. Since 2015, have you touched Avery's bare chest area?
Answer, "No"
2. During the time since 2015, have you touched Avery's bare genital area?
Answer, "No"
3. Since 2015, have you caused Avery to touch our bare genital area?
Answer, "No"

CONCLUSION

The examination of Mr. Champagne was conducted on a Lafayette Computerized Polygraph System. I evaluated the charts using a standard numerical method. There was no significant reaction to the relevant issue questions tested in this exam. It is the opinion of this examiner that Mr. Champagne was truthful in his response to the relevant issue questions tested in this exam. Other questions were asked during the examination; however, they were not evaluated regarding their truthfulness. They serve only as diagnostic and control functions for the relevant questions.

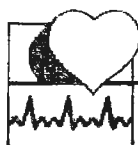
POST-TEST INTERVIEW

The test results were reviewed with Mr. Champagne. He had no additional information to report.

Submitted by:



Tamera Jessen-Iverson
Licensed Polygraph Examiner

**TMI Test Services, LLC**

P. O. Box 13459 • Salem, Oregon 97309

TMI_Testservices@msn.com

Office Location:

742 NE Hawthorne Avenue

Salem, OR 97301

(503) 559-3555 FAX (503) 769-3114

Paul Ferder
Ferder, Casebeer, French and Stern, LLP
515 High Street SE
Salem, Oregon 97301

June 24, 2019

Client: Michael Champagne
Test type: Specific Issue Polygraph
Date of exam: June 24, 2019

BACKGROUND

Mr. Champagne has been a suspect in a recent investigation by the Department of Human Services, Child Welfare. A nine year old female has accused Mr. Champagne of inappropriately touching her and Avery, a second minor relative. Mr. Champagne denies these allegations and scheduled a polygraph to support his statements.

Mr. Champagne appeared to be in good physical and mental health.

Mr. Champagne reviewed and signed the waiver for TMI Test Services. I reviewed the polygraphic process with Mr. Champagne. He indicated that he understood these concepts and we proceeded with the test.

PRE-TEST INTERVIEW

A pre-test interview was conducted during which Mr. Champagne stated the following:

Mr. Champagne gave the following information about the current investigation:

Allegations of inappropriate touch were made by a minor close to Mr. Champagne's family. This same minor also reported Mr. Champagne had inappropriately touched Avery, age 9. Avery is Mr. Champagne's biological granddaughter. Mr. Champagne denies these allegations and Avery also denies the allegations. Avery was interviewed by DHS Child Welfare and the allegations have been dismissed. Mr. Champagne wanted to take a polygraph to support the findings of the DHS investigation.

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EXAMINATION

At the completion of this interview, a standard set of questions was prepared and reviewed with the client prior to beginning the examination. All questions were discussed before beginning the test. The term "physical sexual contact" was defined as any touch intended for sexual arousal.

1. Have you had physical sexual contact with Avery?
Answer: "No".
2. Did you ever touch Avery's bare genital area for a sexual purpose?
Answer: "No".
3. Did you ever cause Avery to touch your bare genital area?
Answer: "No".

CONCLUSION

The examination of Mr. Champagne was conducted on a Lafayette Computerized Polygraph System. I evaluated the charts using a standard numerical method. There was no significant reaction to the relevant-issue questions tested in this exam. It is the opinion of this examiner that Mr. Champagne was truthful in his response to the relevant-issue questions tested in this exam. Other questions were asked during the examination; however, they were not evaluated regarding their truthfulness. They serve only as diagnostic and control functions for the relevant questions.

POST-TEST INTERVIEW

The test results were reviewed with Mr. Champagne. He had no additional information to report.

Submitted by:



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July 26, 2019

Paul Ferder

Ferder, Casebeer, French and Stern, LLP

515 High Street SE

Salem, Oregon 97301

Client: Michael Champagne
Test type: Specific Issue Polygraph
Date of exam: July 26, 2019

BACKGROUND

Mr. Champagne has been a suspect in a recent investigation by the Department of Human Services, Child Welfare. A nine-year-old female has accused Mr. Champagne of inappropriately touching her and Avery, a second minor relative. Mr. Champagne denies these allegations and scheduled a polygraph to support his statements.

Mr. Champagne appeared to be in good physical and mental health.

Mr. Champagne reviewed and signed the waiver for TMI Test Services. I reviewed the polygraphic process with Mr. Champagne. He indicated that he understood these concepts and we proceeded with the test.

PRE-TEST INTERVIEW

A pre-test interview was conducted during which Mr. Champagne stated the following:

Mr. Champagne gave the following information about the current investigation:

Allegations of inappropriate touching were made by a minor close to Mr. Champagne's family. This same minor also reported Mr. Champagne had inappropriately touched Avery, age 9. Avery is Mr. Champagne's biological granddaughter. Mr. Champagne denies these allegations and Avery also denies the allegations. Avery was interviewed by DHS Child Welfare and the allegations have been dismissed. Mr. Champagne wanted to take a polygraph to support the findings of the DHS investigation.

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Page 1 of 2

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August 14, 2019

Mr. Paul Ferder
Ferder, Casebeer, French and Stern, LLP
515 High Street SE
Salem, Oregon 97301

Client: Champagne, Michael
Test type: Specific-Issue Polygraph
Date of exam: August 14, 2019

BACKGROUND

Mr. Champagne scheduled a polygraph with me at the request of his attorney, Mr. Paul Ferder. Mr. Champagne is the focus of an investigation by the Department of Human Services, Child Welfare. The investigation stems from allegations made by Olivia, Mr. Champagne's step-granddaughter. Olivia reported that Mr. Champagne touched her inappropriately. Mr. Champagne denies these allegations and has agreed to participate in a polygraph.

Mr. Champagne reviewed and signed the waiver for TMI Test Services.

PRE-TEST INTERVIEW

A pre-test interview was conducted during which Mr. Champagne stated the following:

Personal Information

Mr. Champagne considers himself to be in good health. He is taking no medications.

He slept soundly the evening previous to this exam.

Mr. Champagne gave the following information regarding the allegations made against him:

Mr. Champagne's son Matt started dating Olivia's mother when Olivia was 2 or 3 years old; Olivia is now 9 years old. Olivia has been a part of Mr. Champagne's family and

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has participated in family outings and celebrations. Mr. Champagne has never been alone with Olivia. Mr. Champagne has played with Olivia together with his other grandchildren at the park and at the local pool. Mr. Champagne has never been inappropriate with Olivia. He denies having sexual contact with Olivia.

EXAMINATION

At the completion of this interview, a standard set of questions was prepared and reviewed with the client prior to beginning the examination. All questions were discussed before beginning the test.

1. Did you ever physically touch Olivia for a sexual purpose?

Answer: "No."

2. Have you had physical sexual contact with Olivia?

Answer: "No."

3. Did you ever cause Olivia to touch your bare genitals?

Answer: "No."


CONCLUSION

The examination of Mr. Champagne was conducted on a Lafayette Computerized Polygraph System. I evaluated the charts using a standard numerical method. There was no significant reaction to the relevant-issue questions tested in this exam. It is the opinion of this examiner that Mr. Champagne was truthful in his response to the relevant-issue questions tested in this exam. Other questions were asked during the examination; however, they were not evaluated regarding their truthfulness. They serve only as diagnostic and control functions for the relevant questions.

POST-TEST INTERVIEW

The test results were reviewed with Mr. Champagne. He had no additional information to report.

Submitted by:



Tamera Jessen-Iverson
Licensed Polygraph Examiner

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STATING A CLAIM, (mine)

1. Gemma Gedge willfully made False statements To Detective Bray!
2. Gemma Gedge gave False testimony during The indictment Hearing and The Jury Trial.
3. Gedge's False statements and testimony were A Substantial Factor in causing plaintiff to be convicted of The foregoing crimes
4. Due To Olivia Alexander's statements and testimony, plaintiff has been incarcerated since September 11, 2019
5. Olivia's Alexander's False statements and testimony were made to with the intent to inflict severe emotional distress on MR. Champagne.
6. AS A direct and proximate result of Olivia's False statements and testimony, MR Champagne has suffered and continues to suffer severe emotional distress.
7. Olivia Alexander willfully and blatantly made False statements and gave False testimony to The Grand Jury and The Jury, Such statements and testimony were defamatory in nature
8. Compensable injuries include actual monetary losses like lost wages,
9. Compensatory Damages also include physical pain and injury.
10. Psychological Damage including personal Humiliation and mental anguish, loss of Liberty, and injuries to the quality of A individual's life, deprivation of freedom!

11. District Attorneys Fabricated evidence Against me And forcing state Associates To give FALSE perjured Statements under oath Secured my conviction on False statements.
12. The physical and emotional suffering I continue to endure daily because of my wrongful prosecution And conviction
13. The Separation From my love ones,
14. MR Champagne not being able to be with his mom, brother, And sister as each one passed way in a three year period cause a mental pain that he live's with daily dealing with the Sorrow of his losses.

My TRIAL WAS THE FIRST HOLD WHILE COVID WAS KILLING THOUSANDS OF PEOPLE EVERY DAY. EVERYONE WORE MASK AND THE JURORS WERE SCATTERED THROUGHOUT THE COURTROOM, MOST UP TO 40 FEET FROM THE WITNESS STAND AND THE JUDGE'S BENCH. THE AMPLIFY F.D.R. NEVER WORKED SO THROUGHOUT THE ENTIRE TRIAL AS YOU WILL SEE IN THESE COURT DOCUMENTS NO ONE COULD HEAR, STATIC AND BUZZING SOUNDS WAS ALL THAT COULD BE HEARD AS THE TRIAL WAS DIFFICULT TO HEAR AND UNDERSTAND. SOME OF THESE WRITTEN DOCUMENTS I WROTE YEARS AGO SO THE COURT DOCUMENTS HAVE BEEN USED AND SENT TO PROVE OTHER STIPULATIONS IN MY TRIAL. THE ONE'S THAT DONT HAVE THE ORIGINAL PAPER COURT DOCUMENTS CAN BE LOOKED UP ON THE TRIAL PAPERWORK FROM - 1 - 1500 PAGES. WHEN I FIRST COPIED SOME OF THESE I DID NOT PUT A NUMBER IN FRONT OF THEM SO I USED ALPHABET TO CATORAGLORISE THE ONE'S THAT I HAD NOT PUT A NUMBER IN FRONT OF, YOU WILL FIND ALL OF THEM IN MY TRIAL DOCUMENTS THAT THE STATE HAD GIVEN TO ME. SO ALL THE DOCUMENTS I HAVE SENT ARE A TRUE COPY WRITTEN AND SPOKEN IN MY TRIAL.

"Judge Weber" Page 247

THIS IS THE FIRST TRIAL WITH A JURY TRIAL THAT I HAVE HELD SINCE WE HAVE BEEN UNDER COVID STATUS.

MICHAEL WAYNE CHAMPAIGN

State V Rivers = 325 OR. APP. 446

51-I

36

Page 46

Olivia's Credibility

Olivia's credibility was central to the State's case against Defendant in a case that boiled down to whether the jury believed the complainant's statements, admission of George's comments on Olivia's credibility was not harmless. That is so given that Olivia's statements varied in many particulars from one occasion to the next. And in at least one instance her forensic interview statements that she hid in a cave on a island and watch Defendant Avery champagne veered into the fanciful. under these circumstances George's testimony commenting on Olivia's credibility was likely to affect the verdict on all counts, Olivia's testimony was also central to counts one and two, the rape and sodomy charges involving Avery champagne whose statements also varied materially from one occasion to the next.

Even if the evidence was relevant under 404(4) as propensity evidence, it was inadmissible because the highly prejudicial nature of the evidence outweighed its probative value. propensity evidence that Defendant was the type of person who abused young girls would encourage the jury to decide the case on an improper basis.

The jury also heard a recording of a core's interview in which Avery suggest Olivia is given to tell false stories.

(TR 1080-89; EX 24)

The First Four pages Are just A Token OF THE problems THAT THE court encountered throughout my entire TRIAL. Everything FROM THE Jurors NOT Being able TO Hear, TO THE Static AND Feedback THAT CAUSED problems continuously, THE MASK THAT we ALL HAD TO WEAR made it Impossible For me TO Have a FAIR TRIAL especially WITH THE continuous interruptions THAT occurred daily. Most OF THE problems THAT were encountered Are ALL on Court Documents, THE Handwritten ones Are ALSO From court Documents but over Time I sent THEM TO THE courts AND individuals showing THE Failure OF THE Ability TO Hear WHAT you Have read AND experience THE constant Static AND Feedback THAT never stopped Happening. But I've Always Had a copy OF THE set OF ALL THE problems IN TRIAL. When I decided it WAS Time TO share THIS information WITH you I went THROUGH my files AND Am sending THEM TO you NOW. All THE Handwritten ones Are on court Documents THAT Are AVAILABLE TO you.

I Believe A few OF my constitutional Rights were surely violated IN THIS endeavor. I Am sending WITH THIS PACKAGE THE states leading witnesses WHO THE state believed were TRUE, But you'll see IN Review OF WHAT I Am sending TO you, Everyone committed perjury,

Page 145

Steele,

I'm TAKING OFF my MASK SO you CAN Hear me!

one
38

Court Disruptions on Hearing And FOR, Feedback

Page 1429

Court

A Juror in THE BACK OF THE COURTROOM IS WAVING THEIR HAND, MAM I ASSUME THATS BECAUSE THEY CANT HEAR YOU!

Page 1322

Court

Page 1211

D.A.

ARE YOU HAVING A HARD TIME HEARING? Alright we will

your Honor we ARE TRYING TO GET THIS WORKED OUT, BUT WERE HAVING A LITTLE BIT TECHNICAL DIFFICULTY, AND IT MAY REQUIRE THE ASSISTANCE OF SOME TECH PEOPLE! SO OUR SUGGESTION IS THAT WE LEAVE THIS UP MAYBE, AND TAKE OUR LUNCH RECESS, AND TRY TO FIGURE OUT HOW TO GET HER BECAUSE NOT-- AUDIO IS NOT SUFFICIENT, WE ALSO NEED VIDEO!

Page 1332

Court

Page 1189

Court

Attorney

SORRY, HARD WITH A MASK!

YOU HAVE A RAISED HAND IN THE BACK OF THE COURTROOM! THANK YOU, I MIGHT BE BEST JUST FOR ME TO REPEAT IT. I DONT HAVE A WAY TO AMPLIFY IT!

Page 1135

Court

D.A.

I REMEMBER PEOPLE ARE HAVING TROUBLE HEARING ME! CAN EVERYBODY HEAR ME? AND COULD YOU HEAR ME BEFORE OR DO I NEED TO REPEAT

Page 1041

Court

MS POLAND IS TELLING ME THAT ONE OF THE JURORS REPORTED TO HER WERE HAVING A HARD TIME HEARING YOU!

two
39

Page 388

D.A.
Juror

I'm sorry, WHATS THAT, I DONT ALWAYS HEAR, I APOLOGIZE
I THINK ITS GOING TO BE A LITTLE MORE DIFFICULT WITH
THE MASK! BECAUSE YOUR NOT GOING TO BE ABLE
TO SEE BODY LANGUAGE, FACIAL EXPRESSIONS!

Page 340

Court

I'M HAVING SERIOUS PROBLEMS HEARING YOU WHEN
YOU ARE FACING THAT WAY. AND I AM HAVING SERIOUS
PROBLEMS HEARING THE FOLKS IN THE BACK OF THE COURTROOM!

Page 329

D.A.

OKAY, I THINK THAT I'VE HAD A LITTLE TROUBLE
HEARING AND I APOLOGIZE. AND I'M A LITTLE BIT
CONCERNED THROUGHOUT THE COURSE OF THE TRIAL
THAT YOU ALL, IF ANY OF YOU INDISCERNIBLE WILL
HAVE TROUBLE HEARING AS WELL AS WITH THE MASK
ESPECIALLY WITH THE MASK,

Page 263

Court

WERE HAVING PROBLEMS WITH THE AUDIO-ENHANCING
DEVICES AND STATIC, BUT THE MOST IMPORTANT
RIGHT NOW IS WE NEED TECH.

Clerk
Court

DO YOU NEED ME TO GO FIND TECH
DESPARTELY, WE CAN NOT PROCEED ANY FARTHER
UNTIL WE HAVE ASSISTANCE WITH THE AUDIO-ENHANCING
DEVICES

Page 255

Court

TESTING, TESTING, THERE'S A POTENTIAL MR SCHMONSESS
THAT HE'S ACTUALLY TUNED INTO ANOTHER COURT ROOM!

Attorney
Court

WE CAN HEAR A JUDGE MAKING A RULING!
IT'S NOT SUPRISING TO ME

Attorney

WE WORE A MASK THE WHOLE TIME IN MY TRIAL IN THIS
COURT ROOM. SOME OF THE JURORS HAD A HARD TIME HEARING!

Three
40

Page 533

D.A. Just to make sure your aware Judge while we were thinking indiscernible, we can go, - were trying to resolve a tech issue with the TV.

Page 474

Juror

I can't hear you

Attorney

You can't hear me, okay

Page 469

D.A.

Can everybody hear me

Juror

No!

Page 452

Juror

And that's indiscernible witnesses indiscernible can't hear everything, then we just gotta guess because they're not going to do it twice

D.A.

Don't guess, let us know

Page 435

Attorney

And we can't replay testimony, and it's really important when people are asking questions that you're able to hear their answers, which isn't that easy with the mask on. Has everybody been able to hear everybody else?

Juror

Barely

Attorney

Barely okay, harder to concentrate while we're dealing with COVID! Has everyone been comfortable with what we're doing here today to keep the mask on and the social distancing?

Juror

I miss seeing people's faces, seeing what their reactions are, facial expressions. You have to read their eyes

Attorney

Can't tell who's smiling or frowning

Four

Page 962

Court

OH, AND WHILE WERE PLAYING THE VIDEO, YOU NEED TO TURN OFF YOUR MIC, OR IT WILL GET FEEDBACK

Page 912

Court

THAT MIGHT STOP THE FEEDBACK THAT WERE GETTING!

Page 815

Court

BECAUSE TECHNOLOGY ISSUES, IF YOU COULD PLEASE TURN OFF THE MICROPHONE HERE,

Page 746

Court

I WILL ALSO NOTE M^S POLAND INDICATED TO ME, MY APOLOGIES FOR NOT TELLING YOU EARLIER THAT ONE OF THE JURORS MENTIONED THEY HAD A HARD TIME HEARING MR SCHMONSESS AUDIO THAT HE PLAYED

Page 747

Court

SO THAT WE WOULD NEED THE WITNESS HAVE THE MICROPHONE ON BECAUSE THERE'S NOT AN FDR MIC OTHER THAN ONE AT A TIME, SO THAT WOULD BE ON THE FDR MIC THROUGH QUESTIONING, AND THEN THEY WOULD HAVE TO TURN IT OFF.

D.A. AND THEN TURN IT BACK ON?

Court

AND THEN TURN IT BACK ON IF THAT'S WHAT'S CAUSING THE FEEDBACK.

Page 648

D.A. I COULDN'T HEAR WHAT YOU SAID ANYWAY!

D.A. I CAN'T HEAR YOU

D.A. I'M SORRY I CAN'T?

Page 537

Court

IF ANYONE BELIEVES DURING THE TRIAL THAT THEY'RE HAVING A PROBLEM HEARING OR SEEING OR ANYTHING LIKE THAT, SOME MOVEMENT IN THE COURT ROOM WOULD BE HELPFUL

Page 247 NOT Being Able To Hear or Understand WHAT IS SAID!

Court THIS IS THE FIRST TRIAL WITH A JURY TRIAL THAT I HAVE HELD SINCE WE HAVE BEEN UNDER COVID STATUS!

ATTORNEY
Page 248 I WANT EVERYONE TO BE WEARING A MASK AT ALL TIMES IN LINES WITH OREGON HEALTH AUTHORITY'S RECOMMENDATIONS. JUST BECAUSE WE'RE IN TRIAL DOESN'T MEAN THAT COVID CAN'T BE CAUGHT UP IN HERE. WE WORE A MASK THE WHOLE TIME IN MY INDISCERNIBLE TRIAL IN THIS COURTROOM, SOME OF THE JURORS HAD A HARD TIME HEARING!!

Page 411

D.A. I HAD A LITTLE TROUBLE HEARING, SO I'M JUST GOING TO MAKE SURE I UNDERSTAND!

Page 254

ATTORNEY I NEVER HAD THESE WORK, I MEAN, EVERYTIME I'VE TRIED TO USE THESE HERE, THEY DON'T WORK!

Court I'VE HAD SUCCESS SOMETIMES, I'VE HAD A LOT OF LACK OF SUCCESS AND MY CONCERN IS THAT NOT ONLY IT BE CHALLENGING FOR YOUR CLIENT, BUT THAT WE HAVE THAT BUZZING SOUND.

Court SIR, CAN YOU HEAR ME NOW, AND CAN YOU HEAR THE BUZZ?

ATTORNEY YEAH, I CAN HEAR THE BUZZ WHEN HE TURNS IT ON. LOUD AGAINST STATIC, VERY LOUD ON EVERY CHANNEL.

Court LET'S KEEP TALKING, TEST, TEST.

ATTORNEY I HEAR IT TO!

Court ARE WE HAVING SOMEONE FROM TECH COMING?

CLERK YEAH,

Page 1189

Court you HAVE A HAND raised in THE back of THE courtroom!
Attorney THANK you, OH, It might be best JUST For me
To repeat it. I Don't HAVE a way TO Amplify it!

Page 567

D.A. We will HAVE THEM mic'd so hopefully, THAT will
really enhance your Ability TO HEAR THEM, BUT it
is CHALLENGING. THEIR volume Tends TO drop OFF.

Page 276

D.A. you know, understanding THAT THes cases ARE
Hard For ANY person. do you believe THAT you
ARE sort OF uniquely-- it would be unique --
CAN you HEAR me?

Juror Barely

Page 388

D.A. I'm sorry, WHATs THAT? I Don't ALWAYS HEAR
SO I Apologize!

Page 329

D.A. I CAN'T HEAR you, OKAY, I THINK THAT I've HAD
A little TROUBLE HEARING SO I Apologize. AND I'm
A little bit concerned THROUGHTOUT THE course OF
THE TRIAL THAT you ALL, IF ANY of you INDISCERNIBLE
will HAVE TROUBLE HEARING AS well WITH MASK AND
WITH -- especially WITH THE MASK!

Page 533-534

D.A. Just TO MAKE sure your AWARE judge, WHILE we
were THINKING indiscernible we can go -- were
TRYING TO RESOLVE A Tech issue WITH THIS T.V.
our Hope is THAT we'll be ABLE TO project TO BOTH
THese T.V.'s SO folks in THE back can see more clearly.
ASSUMING we CAN MAKE THE Tech work!

Page 435

Attorney Has everybody been able to hear everyone else?

Juror Barely

Attorney Barely, okay, harder to concentrate when were dealing with covid!

Juror I miss seeing people's faces, seeing what their reactions are, facial expressions

Attorney Can't tell whose smiling or frowning

Page 257-258

Court Testing, testing, can you hear me clearly, testing

Clerk No I can't, but that is the right channel

D.A. Please feel free to chime in on technology issues.

Clerk I can't hear you, but there's plot of - just a ringing sound!

Court We need tech ASAP!

Page 1211

D.A. your Honor we are trying to get this worked out, but were having a little bit of technical difficulty, and it may require the assistance of some tech people.

Court if you will tell them we are recessing early to resolve technical difficulties

Page 962

D.A. Oh, and while were playing the video you need to turn off your mic or it will get feedback,

Page 235

Court And I'm hearing a buzz myself, but what we will do is we will give you the opportunity to make sure that it is functioning

25

44

(15)

Page 469
Schmonsess

OKAY, Alright, well, if you Don't Hear my voice, And this is going to go for all the Attorney's, And if your on the Jury all parties, you need to let us know. you Actually, if your A member of the Jury, you Are going to be sitting just where you Are Right now! And There's going to be A witness up AT THE witness stand, WHICH IS ABOUT 40 feet AWAY FROM WHERE you Are, And sometimes people couldn't Hear. ←

Page 340

Court

- THE OTHER THING THAT I HAVE LEARNED THIS MORNING, AS WE HAVE BEEN PROCEEDING IN THIS.
- THE MICROPHONES THAT THE COURT HAS TO USE ON
- COUNSEL DO NOT AMPLIFY. THEY ONLY SERVE TO FEED IN THE F.T.R. THE ONLY WAY THAT VOICES COULD BE AMPLIFIED IN HEARING IS FOR EVERY JUROR AND EVERY COUNSEL AND EVERY LISTENER TO HAVE A AUDIO ENHANCING DEVICE TO ENHANCE
- THE F.T.R. I AM CONFERRING WITH OUR TRIAL COURT ADMINISTRATOR RIGHT NOW ABOUT HOW WE CAN RESOLVE THIS ISSUE! BECAUSE I'M VERY CONCERNED THAT WE MAY HAVE TWO SOFT SPOKEN
- CHILDREN WHO ARE TESTIFYING, I'M HAVING PROBLEMS
- HEARING YOU WHEN YOU ARE FACING THAT WAY.
- AND I'M HAVING VERY SERIOUS PROBLEMS HEARING ← THE FOLKS IN THE BACK OF THE COURTROOM AND SOFT SPOKEN WOMEN SITTING IN THE FRONT ROW! SO I JUST WANTED TO LET YOU KNOW THAT IS IN PROCESS RIGHT NOW. I DON'T KNOW WHAT THE ANSWER IS OR WHAT THE ANSWERS GOING TO BE! ←

Page (K)
(807) Court

MR Schmense if your client missed any of that I'm happy to re-state it after Detective Bray's testimony

Attorney
Court

He said he didn't hear it Judge

Attorney
Court

I'm sorry

He said he didn't hear it
OH.

Page (L)

Attorney
Page (M)

(695) Court

Can you speak up for me I'm hard of hearing!

Hopefully we'll stop hearing that sound,
That's my hope

Page (N)

(968) Court

While you're playing the video, you need to turn off the mic or it will get feedback,

Page (O)

(634) D.A.

Can everybody hear me, okay, I can't use the microphone, for some reason it makes this terrible noise.

Page (P)

(584) Court

D.A.

I'm hearing lots of
the feedback is from me

Court

well I don't know the answer

D.A.

I don't know the answer either, well ok let me this "so can the jurors hear me" I thought it would help but apparently it's off!

Page (Q)

(395) D.A.

I didn't quite hear the objection Judge!

Page B
(769)

ITS DUE TO THE FEEDBACK WE ANTICIPATE!

Page C
(947)

IM HOPEFUL THAT THE TECH WAS HERE AND THAT WE MAY HAVE BETTER ON THE FEEDBACK,

Page D
(1218)

MS HATTON CAN YOU HEAR ME ALRIGHT?
I CAN STILL HEAR YOU, IT'S JUST A LITTLE QUIET!

Page E
(1197)

OKAY, SO I ASSUME THE JURY CAN'T HEAR THAT,
YES

Attorney

Page F

(567) D.A.

WE WILL HAVE THEM MIC'D, SO HOPEFULLY, THAT WILL REALLY ENHANCE YOUR ABILITY TO HEAR THEM, BUT IT'S CHALLENGING, THE VOLUME TENDS TO DROP OFF,

Page G
(716) COURT

AND IF YOU TAKE THE MICROPHONE AND HOLD IT CLOSE TO YOUR MASK, YOU'LL ACTUALLY HOLD IT CLOSE TO YOUR MASK, THEN YOU WILL BE ABLE TO HEAR!

Page H
(1162) D.A.

FOLKS CAN YOU HEAR ME ALRIGHT AT THIS VOLUME, OKAY, AND IM JUST GOING TO USE MY MIC TO AVOID FEEDBACK,

Page I
(949) COURT

THAT MAY HAVE BEEN CAUSING THE FEEDBACK WE WERE GOING TO HAVE TO EVALUATE IT, WE'VE BEEN HAVING FEEDBACK IN THE COURT ROOM, THE HIGH PITCH SOUND AND WE TRIED IN THE NOON HOUR TO HAVE THAT GONE

MICHAEL CHAMPAGNE TRIAL (HEARING)

Page 48

Michael

Court

Michael

Page 100

Attorney

OH, HEAR ME

OKAY, OKAY, IF I TALK THIS LOUD CAN YOU HEAR ME?

YES

I WOULD ALSO LIKE IT IF THE DOCKET COULD
RESERVE MR CHAMPAGNE IS HEARING IMPAIRED.

Page 237

Court

SO I HAVE CONCERNS ABOUT THE ABILITY TO BE
HEARD BY JURORS SITTING IN THE BACK OF THE
ROOM, SO I THINK IT MIGHT BE HELPFUL TO
SPEND A LITTLE BIT OF TIME WITH THE
TECHNOLOGY BEFORE WE START THEIR TESTIMONY
TO MAKE SURE THAT ITS GOING TO BE ABLE TO
REACH ALL THE WAY TO THE BACK

Page (A)

Court

LET ME PUT ON RECORD WHAT I WAS DOING
YESTERDAY. AS IS ALWAYS MY PRACTICE I
READ THE ENTIRE COURT FILE, BOTH OF THE
ENTIRE COURT FILES THAT ARE BEFORE ME, AND
NOTED THERE WAS AN ASSERTION IN A DOCUMENT
FILED THAT YOUR CLIENT WAS DEAF AND HARD
OF HEARING. BUT I DO NOTE THAT WE WILL
HAVE A ASSISTED LISTENING DEVICE, AND I'M
HEARING A BUZZ MYSELF, SO WHAT WE WILL
DO IS WE WILL GIVE YOU THE OPPORTUNITY TO
MAKE SURE THAT, THAT IS FUNCTIONING

Page 429

D.A. I HAD A Little bit OF TROUBLE Hearing you!

Juror OH?

D.A. But got most of it! Am I TO close, Are you OKAY.

Juror YEAH.

D.A. I Don't WANT TO VIOLATE Anybody'S Social Distancing!

Page 450

Juror Will THE person testifying be required TO wear A MASK OR will we be able TO see THEIR faces?

D.A. THATS A really good question AND THATS A question THAT I Don't know if we HAVE A ANSWER TO it yet. THIS IS sort OF UNCHARTERED Territory- I THINK everybody CAN probably understand

Page 474

Attorney OKAY- Are you comfortable explaining why or would you, maybe we can give you A more private

Juror I CANT HEAR you!

Attorney you CANT HEAR me, OKAY

Page 746

Court I Don't Know WHAT IS CAUSING

Clerk. Does HAVE some Feedback, THIS one's on, so if you WANT TO test it while its OFF

Page 815

D.A. BECAUSE THE technology issues, if you could please TURN OFF THE microphone AFTER A brief (indiscernible)

Court MR Powell, if He's going TO be ANSWERING A question THE microphone will need TO be turned back on so THE record is clear

Powell your correct, your Right, sorry if you could TURN THE microphone back on For one question (indiscernible)

26

49

(16)

Page 257

Court

Can you let me know as soon as
someone responds? ←

Clerk
Court

yes I'm reacting out to this courtroom
yes, and we do need the microphones
because MR Schmoneess has asked for that

Clerk
Court

OKAY

Hello, testing, testing, testing. ←

Clerk
Court

Hello

Clerk
Court

Can you hear me, Carly, testing

no I can't, but that is the right channel. ←

Clerk
Court

Hello, testing, testing, testing ←

Clerk
Court

Hello

That was very loud

Powell

I wonder

Court

testing, testing,

Powell
Court

please feel free to chime in on technical issues. ←

testing, testing, testing, (Twelve Times)

Speaker

I can hear you but it's indiscernible. ←

Court

testing, testing, testing, ←

Clerk

Like Heather said, I can hear you, but

there's a lot of - just a ringing sound ←

Court

We need tech ASAP. ←

Clerk

yes I will reach out to them.

Court

Would you find a tech person and bring ←

them to me.

Clerk

OKAY

D.A. Powell,

Just to make sure your aware Judge, while
we were thinking (indiscernible) we can go - were

→ trying to resolve a tech issue with this T.V. our

→ hope is that we'll be able to project to both
these T.V.'s, and that TV so folks can see in the back ←

Page 255
Court

There's a potential MR Schmansess THAT He's ACTUALLY Tuned into ANOTHER court Room!

Attorney
Court
Attorney

We CAN Hear another judge making a ruling!
ITS NOT Soprising To me

There was a motion THAT WAS granted
TO continue

Court

I AM not continuing THIS case, SO
WAS NOT me FOR THE Record!

Page 234
Attorney

He ALSO HAS His Hearing Afd WITH Him. AS
Well AS AN Assisted Listening device, well
need To Tinker WITH THE listening Device He
WAS not able To Hear, I TRUST you got my
E-MAIL yesterday Judge!

Page 236

D.A. your Honor, THE parties before you (Indiscernible)

HAVE been TALKing ABOUT whether or not
(Indiscernible) AT THIS Time Around AT counsel
TABLE AND face out into THE panel of Jurors. And
I don't know if its going To WORK For THE court
or not. we'll HAVE our backs To THE Judge but we
won't be able To see THE Jurors.

Court

I would never Anticipate THAT you would
HAVE your backs To THE Juror's, I would prefer
THAT you ARE Addressing them AND THE witnesses
etcetera, in A WAY THAT your most comfortable.
AS long AS we can MAKE sure THAT your
Voices ARE being Picked up, I Don't care
WHERE in THE well you ARE AND How you
ARE positioned!

Page 601

DA Couldn't hear that!

Page 597

DA I'm sorry!

Page 603

DA I Didn't hear that!

Page 604

DA I Didn't hear that, okay I need you to keep your voice!

Page 608

DA I Didn't hear that!

Page 609

DA I'm sorry what!

Page 252

D.A. Judge, I know, don't know if (Indiscernible) system, but sometimes adjusting the sound levels in a loop and the sound levels on the recording will - you can find a sweet spot where it doesn't do that!

Page 250

D.A. I don't disagree with that, and I think that that's a good idea, my primary concern is making sure the jury can hear them.

Court

one of the issues is the ability of the witnesses to be heard throughout the court room! I don't know how loud those children can speak, I don't know what kind of challenges were going to have with those youths, I don't want to make a decision about that right now, I think we should work our way through to that point, see how it goes!

Page 256

Court

Go Right Ahead, MR Schmonsees, were going TO -- I'm going TO continue TO remain here TO WORK ON THE TECH ISSUE'S. AND TO SPEAK TO TECH ABOUT getting THE microphones. we're now HAD MR Schmonsees leave THE Room, the only issue we will discuss is technology! ARE THEY on their way?

Clerk

Court

I HAVENT HEARD!

HAVE we gotten A written response THAT someone HAS eyes on tech?

Page 260

Clerk

Do you need me TO find tech

Court

Desperately

Clerk

I will go find them

Court

We can not proceed ANY FARTHER UNTIL we HAVE ASSISTANCE WITH THE Audio-enhancing devices!

Page 263

Court

Were Having Problems WITH THE Audio enhancing devices AND static. AND we need three microphones TO amplify voices OF counsel AND THE witnesses, but the most important right now is THE A.D.A. compliant tech.

Page 342

Court

Were Having serious problems WITH THE FOLKS in THE back OF THE courtroom THAT ARE soft spoken being HEARD by THE Attorneys AND THE Attorneys being HEARD By me WHEN they're Focusing TOWARDS THE BACK OF THE courtroom!

Page 1135

D.A. OKAY AND BASED ON THE INFORMATION THAT YOU HAD RECEIVED PRIOR TO THE INTERVIEW OF, PERRY, AND I'M GOING TO TURN MY MIC ON TO, BECAUSE I REMEMBER PEOPLE WERE HAVING TROUBLE HEARING ME, CAN EVERYBODY HEAR ME? AND COULD YOU HEAR ME BEFORE OR DO I NEED TO REPEAT

Page 1332

D.A. SORRY HARD WITH A MASK

Page 1429

Court A JURY IN THE BACK OF THE COURTROOM IS WAVING THEIR HAND, MA'AM I ASSUME THAT'S BECAUSE THEY CAN'T HEAR YOU

Page 1439

D.A. MAKE SURE YOU PROJECT YOUR VOICE, OKAY? YOUR GETTING A LITTLE SOFTER

Page 1436

Court LADIES AND GENTLE MEN, YOU CANNOT BE SHOWN THE VIDEO AT THIS MOMENT GIVEN THE SMALL LAPTOP YOU ALL WON'T BE ABLE TO SEE IT, IT WILL BE MADE AVAILABLE TO YOU, THOUGH, DURING YOUR DELIBERATIONS AS EVIDENCE.

Page 1462

D.A. FOLKS CAN YOU HEAR ME ALL RIGHT, AT THIS VOLUME. OKAY, AND I'M GOING TO USE THE MIC TO AVOID FEEDBACK!

Page 537

Court IF ANYONE BELIEVES DURING THE TRIAL THAT THEY ARE HAVING A PROBLEM SEEING OR HEARING OR ANYTHING LIKE THAT, AND SOME MOVEMENT IN THE COURTROOM WOULD BE HELPFUL, WE CAN WORK WITH THAT

Page 157

Court

I can't hear you, could you-- your cutting out, okay now your cutting out and I can't hear you at all MR Schmoness

Page 261-262

Court

We've had no response from Tech, so that's issue number one, Testing, testing, testing.

Carly

And I'll find, I'll go find a tech

Page 469

Attorney

Can everyone hear me okay?

Juror

no

Attorney

There's going to be a witness up at the witness stand, which is about 40 feet away from where you are, and sometimes people couldn't hear

Page 452

Juror

indiscernible, some things, but I had a hard time indiscernible sometimes your words drop off, indiscernible

Juror

And that's indiscernible, witnesses indiscernible can't hear everything, then we just gotta guess because they're not going to do it twice

D.A.

Who ever ends up on the jury in this case has to be able to hear the testimony, we will be working hard to make sure that happens.

Page 596

D.A.

And so, you pointed and you said something but I don't think I heard you!

Page 1322

Court

Are you having a hard time hearing, all right we will, thank you for doing that shooting your hand up like that was perfect

Page 648

D.A. I couldn't hear what you just said pvery?

Page 746

Court I will also note ms Poland indicated to me, my apologies for not telling you earlier, that one of the jurors mentioned they had a hard time hearing MR. Schmansess audio that he played.

Page 747

Court So that we would need have the witness have the microphone on because there's not a FDR mic other than me at a time, so that would be the FDR mic through questioning and then they would have to turn it off.

D.A. And then turn it back on?

Court And then turn it back on if that's what's causing the feedback

Page 451

Juror So they're going to be way out there? (Juror's)

D.A. Yes and that's another issue, and I actually didn't want to ask is there anybody who has hearing issues that might require us to get you additional technology.

Page 452

Juror

D.A. It's it no, I was thinking maybe it was that

Court I don't know the answer

D.A. I don't know the answer either, well okay, Olivia, and I'm going to try to talk really loud so the jurors in the back can hear me!

Page (Q)

(378) Attorney Close enough kind of, can you speak up a little bit?

Page (R)

(336) Court What I feel the need to clarify about the record which was not clear in the audio!

Page 598

Court

Was there something you need?

D.A.

I just want to make sure if their not on the way, I just want to test the audio for a brief second (TECH)

Court

Does have some feedback, this one's on so if you want to test it while its off!

Page 190

Attorney

I'm going to play the second disclosure, hopefully you can hear it. Judge can she come down off the witness stand so she can hear it? She may!

Court

Page 599

D.A.

I didn't hear that

Page 605

I couldn't hear that

Page 606

I didn't hear that

Page 643

D.A.

Avery, couldn't hear you so I need you to say it louder

Page 645

D.A.

I'm sorry I can't?

Line 25

I can't hear you

Page 344

Court

My primary concern is I can tell A
Adult witness I need you to speak loudly,
I can tell an adult witness to Repeat!
I can direct them and generally they will
listen, it's a completely dynamic when we
have a child who is testifying.

Page 1430

D.A.

CAN you TRY TO project your voice
very loudly, it helps if someone can
hear you and obviously about forty foot
away from here, so you said

Page 1391

D.A.

Reading the (indiscernible) Mr Powell
just says and I don't know if he said
that loud enough for the jury to hear.

Page 1212

TECH ISSUE'S

Court

SO IF EVERYBODY CAN BE READY HERE AND READY TO GO AT ABOUT FIVE MINUTES AFTER ONE WITH THE TECH ISSUES RESOLVED, THEN WE CAN HONESTLY STREAMLINE THE AFTERNOON, I'M ASSUMING, GIVEN OUR TIMELINE, THAT WE ARE NOT GOING TO BE FINISHED TODAY.

District Attn.

Page 1356

Court

I THINK THAT'S A SAFE ASSUMPTION.

WE-- OUR JURORS IN THE BACK OF THE COURT ROOM CAN'T HEAR YOU, IF YOU---

Page 912

Court

OKAY, AND I THINK IF YOU ACTUALLY PICK THE MIC UP OH

Court

THAT MIGHT STOP THE FEEDBACK THAT WERE GETTING!

Page 145

Court

ALL, RIGHT FOLKS I'M JUDGE STEELE. I'M TAKING OFF MY MASK SO YOU CAN HEAR ME.

Page 1041

Court

MS LANKERS, MS POLANSKY IS TELLING ME THAT ONE OF THE JURORS REPORTED TO HER WE'RE HAVING A HARD TIME HEARING YOU!

Page 253

Defendant

Attorney

Defendant

Court

THIS AND ALL I HEAR, YOUR HONOR, IS A HISS!

STATIC, YEAH,

I HEAR NO VOICE AT ALL, AND I

IF WE NEED SOMEONE FROM TECH TO COME, AND HELP US GET RID OF THAT BUZZ, I'LL NOTE THE BUZZ IS NOW GONE, BUT IT'S GOING IN AND OUT, WE'LL TAKE CARE OF THAT!

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1 And so, I want to caution folks in this day and age
2 of cell phones, I mean, I'll admit I'll look at my cell phone
3 usually every five minutes. You can't do that in a jury trial.
4 You're going to go several hours.

5 And we can't replay testimony. And it's really
6 important when people are asking questions that you're able to
7 hear their answers, which isn't that easy with this mask on.
8 Has everybody been able to hear everyone else?

9 PROSPECTIVE JUROR: Barely.

10 MR. SCHMONSEES: Barely, okay. Harder to concentrate
11 while we're dealing with Covid?

12 You're shaking your head, sir.

13 PROSPECTIVE JUROR: I mean, it's frightening to see
14 the Covid numbers spike everywhere (indiscernible).

15 MR. SCHMONSEES: Has everyone been comfortable with
16 what we've done here today to keep the masks on and the social
17 distancing?

18 PROSPECTIVE JUROR: I miss seeing people's faces.

19 MR. SCHMONSEES: Yeah.

20 PROSPECTIVE JUROR: Seeing what their reactions are.

21 PROSPECTIVE JUROR: Yeah.

22 MR. SCHMONSEES: Facial expressions.

23 PROSPECTIVE JUROR: Facial expressions.

24 MR. SCHMONSEES: Yeah.

25 PROSPECTIVE JUROR: You have to read eyes and

436

1 MR. SCHMONSEES: Can't tell who's smiling or
2 frowning?

3 PROSPECTIVE JUROR: That's right.

4 MR. SCHMONSEES: How do you do that with witnesses?
5 Have you even thought about that?

6 PROSPECTIVE JUROR: Sure.

7 MR. SCHMONSEES: I don't think I covered this. You
8 are the third group I've talked to, but as we talked about
9 conduct of a trial is people ask questions, you are going to
10 hear from two 9-year olds, actually four children of varying
11 ages.

12 And it is my obligation and my job to ask them
13 questions. Is there anybody who finds that offensive that a
14 child should not be subject to cross-examination by an adult.

15 PROSPECTIVE JUROR: How does a child, I mean, how
16 does a child make decisions (indiscernible).

17 MR. SCHMONSEES: Well, that'll all --

18 PROSPECTIVE JUROR: Help --

19 MR. SCHMONSEES: You're going to hear evidence --

20 PROSPECTIVE JUROR: The child has to sign off on
21 that? I mean --

22 MR. SCHMONSEES: You'll --

23 PROSPECTIVE JUROR: -- does she understand?

24 MR. SCHMONSEES: You'll hear evidence about that
25 tomorrow.

CERTIFICATE OF SERVICE

CASE NAME: Michael Champagne v. Gemma Gedge

CASE NUMBER: (if known) _____

COMES NOW, Michael Champagne, and certifies the following:That I am incarcerated by the Oregon Department of Corrections at Snake River
Correctional InstitutionThat on the 28 day of February, 2025, I personally placed in the
Correctional Institution's mailing service A TRUE COPY of the following:E FILEI placed the above in a securely enclosed, postage prepaid envelope, to the person(s)
named at the places addressed below:Hearing - FeedbackPowell's PapersGemma's Lie SheetsForma PapersPro Bono CounselStating a claim 14 linesPolygraphMichael Champagne
(Signature)Print Name Michael ChampagneS.I.D. No.: 04911062777 Stanton BlvdOntario Oregon 97914

429

1 THE COURT: Ms. Landers or Mr. Powell?

2 MS. LANDERS: Thank you, Your Honor.

3 Good afternoon, Mr. Poe, how are you?

4 PROSPECTIVE JUROR: Good afternoon.

5 MS. LANDERS: I had a little bit of trouble hearing
6 you --

7 PROSPECTIVE JUROR: Oh.

8 MS. LANDERS: But got most of it.

9 PROSPECTIVE JUROR: Okay.

10 MS. LANDERS: Am I too close. Are you okay?

11 PROSPECTIVE JUROR: Yeah.

12 MS. LANDERS: Okay. I don't want to violate
13 anybody's social distancing.

14 So, Mr. Poe, I think that the difficulty is that this
15 type of case is a type of case where it's just hard for
16 individuals to sort of confront the issues that are present
17 here.

18 And one of the ways that I try to work it -- work
19 through myself is that, you know, there are some people who
20 really just can't be on a jury of this type because their
21 personal experience is such that it overwhelms them, their own
22 life experiences and emotions overwhelm them and they're unable
23 to pay attention. They're unable to separate from themselves
24 essentially.

25 And then, we have a whole bunch of people who fit

Hearing

430

1 into another category, I think it's most people frankly, who
2 don't want to be here.

3 They don't want to hear. They don't want even
4 sometimes to know that things like this happen in our
5 (indiscernible). It's incredibly (indiscernible).

6 But the first type of person, the type of person who
7 simply cannot manage this type of case is someone who doesn't
8 (indiscernible).

9 The second type of person is someone who maybe can
10 work their way and may be struggling. And so, what I'm what
11 I'm trying to figure is are you the first type of person or are
12 you the second type?

13 PROSPECTIVE JUROR: (Indiscernible).

14 MS. LANDERS: Yeah.

15 PROSPECTIVE JUROR: Sounds like the first type
16 (indiscernible).

17 MS. LANDERS: Okay.

18 PROSPECTIVE JUROR: (Indiscernible), you know, the
19 accusations just is overwhelming.

20 MS. LANDERS: Okay. Okay, thank you.

21 No objection.

22 THE COURT: Let me make sure I'm looking at the right
23 person. Is it Mr. Poe, sir?

24 MR. SCHMONSEES: It is.

25 THE COURT: I'm going to excuse you, sir. Thank you

[Handwritten mark]

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MR. SCHMONSEES: Okay. Anybody else? Okay.

PROSPECTIVE JUROR: I usually that I have no issues about (indiscernible).

MR. SCHMONSEES: Yeah.

PROSPECTIVE JUROR: Medical appointments.

MR. SCHMONSEES: Okay.

PROSPECTIVE JUROR: And I think that in terms of (indiscernible).

MR. SCHMONSEES: Oh. Okay.

PROSPECTIVE JUROR: But (indiscernible) Thursday, so.

MR. SCHMONSEES: Okay, thank you. Thursday appointment.

Anybody else? And did you want to inquire on the financial hardships or wait? Ms. Krelovich (phonetic) has --

THE COURT: Let me ask Ms. Landers.

Ms. Landers, do you want to inquire of Mr. Gordon (phonetic) or Ms. Krelovich?

MS. LANDERS: I had a little trouble hearing. So I'm just going to make sure I understand.

Ms. Krelovich, what I think what your indicated was that you have some medical appointments that have been scheduled for a while --

PROSPECTIVE JUROR: Right.

MS. LANDERS: -- that if you miss them, you can't get in until January and this is something of some urgency for you?

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PROSPECTIVE JUROR: Yes.

MS. LANDERS: Okay. You don't need to tell us about it.

PROSPECTIVE JUROR: Okay.

MS. LANDERS: Your medical.

PROSPECTIVE JUROR: It is important to go.

MS. LANDERS: In that case, I think it's appropriate that she would be excused for cause.

And then, who else were we?

MR. SCHMONSEES: Mr. Gordon's going to miss four more days of work.

MS. LANDERS: So, Mr. Gordon, I guess the question would be, you know, is this a hardship that would create a significant financial issue for your family?

PROSPECTIVE JUROR: It would prevent me from being able to move into the apartment, because I wouldn't be able to make the downpayment.

MS. LANDERS: Okay. I don't -- I'm fine with excusing Mr. Gordon.

THE COURT: With it, I'm the judge that empanels the grand jury every month. And the way that I ask this of my grand jurors is would it make you unable to put food on your table or pay your rent or mortgage if you are chosen? They of course are chosen for a full month. So we're talking about a much longer commitment.

387

1 And so, if someone would like to volunteer, I'd like
2 to know what is it you're going to be listening for when you're
3 trying to determine whether someone should be believed or to
4 what extent you should believe them?

5 And that's something you probably don't think about
6 much in your day-to-day life (indiscernible) people you know.
7 Take a moment and really think about when you're listening to
8 some strangers up there potentially in the course of five or
9 six days, what are you going to be listening for to decide
10 whether you believe what they say?

11 PROSPECTIVE JUROR: (Indiscernible) subject matter
12 experts that present on a topic.

13 MR. POWELL: Okay, so when you're talking about facts
14 and dates, things that while some may offer their perspective
15 or an opinion, something that independently verified, so like
16 corroborating information (indiscernible) that's something.

17 PROSPECTIVE JUROR: (Indiscernible) as well.

18 MR. POWELL: So by what?

19 PROSPECTIVE JUROR: (Indiscernible) other people as
20 well.

21 MR. POWELL: So if multiple people's testimony is in
22 line, that's something that you would lend some weight to?
23 Okay, I -- what else? What other sorts of things are you going
24 to be listening for?

25 PROSPECTIVE JUROR: I do a feeling.

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1 *Hearing*
MR. POWELL: I'm sorry, what's that? I don't always
2 hear, so I apologize. *←*

3 PROSPECTIVE JUROR: A feeling. Sometimes you have a
4 feeling (indiscernible).

5 MR. POWELL: Okay, so just your perception of how
6 they come across to you when they're up there.

7 PROSPECTIVE JUROR: And that certainly wouldn't be
8 the only thing. Obviously, what he says carry a lot of weight.

9 MR. POWELL: And if I can try a little bit deeper,
10 when you're looking at someone or listening to someone talk,
11 there are a number of things that give you a feeling about,
12 right?

13 And sometimes it's expressions or the way they talk,
14 things like that. What sorts of aspects of someone's testimony
15 do you think might impact the way you feel about them as to
16 whether you can trust them?

17 *→* PROSPECTIVE JUROR: I think it's going to be a little
18 more difficult with the masks. *Hearing*

19 MR. POWELL: Uh-huh.

20 PROSPECTIVE JUROR: Because you're not going to be
21 able to see --

22 PROSPECTIVE JUROR: Body language.

23 PROSPECTIVE JUROR: Yeah.

24 PROSPECTIVE JUROR: Facial expressions.

25 PROSPECTIVE JUROR: Facial expressions.

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1 the woman sitting even in the front row.

2 MS. LANDERS: Yes.

3 THE COURT: So I just wanted to let you know that is
4 in process right now. I don't know what the answer is and I
5 don't what the answer is going to be.

6 MS. LANDERS: So may I ask, do these microphones
7 amplify?

8 THE COURT: I believe that microphone may amplify a
9 little bit if someone is very close to the microphone.

10 Carly, can you pretend to be a witness for us?

11 THE CLERK: I believe --

12 MR. SCHMONSEES: I recall (indiscernible).

13 MS. LANDERS: Because I know that in the courtroom
14 below us, those microphones do amplify.

15 THE COURT: Carly's going to be our pretend witness.
16 Can you talk?

17 THE CLERK: Hello?

18 MR. POWELL: Yeah, that's amplified.

19 THE COURT: Now sit back and talk there.

20 THE CLERK: Hello?

21 THE COURT: That doesn't amplify. Pull the
22 microphone down. Does the microphone move?

23 THE CLERK: Yes.

24 THE COURT: Pretend like you're a child who is very
25 small, speaking quietly.

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1 THE CLERK: Hello?

2 MR. SCHMONSEES: Speaking.

3 THE CLERK: Judge Weber? I was speaking.

4 MR. SCHMONSEES: It's not amplifying.

5 THE COURT: Can you pull the microphone. Stay where
6 you were. This is excellent.

7 THE CLERK: Okay.

8 THE COURT: Pull the microphone down.

9 THE CLERK: Judge Weber? Judge Weber?

10 MR. POWELL: Do we have the capability to increase
11 the volume coming out of these speakers?

12 THE COURT: That I don't know. We have our Tech folk

14 THE CLERK: He's actually here.

15 THE COURT: -- folks here right now.

16 UNIDENTIFIED SPEAKER: Hi.

17 MS. LANDERS: Hi.

18 UNIDENTIFIED SPEAKER: Okay, so that came up
19 specifically to figure out what work best for you guys today?

20 THE COURT: What we need and my understanding was
21 that the mics that were being obtained for counsel were
22 amplification mics and not direct into FTR mics and being told
23 that they are direct in FTR mics.

24 We're having serious problems with folks in the back
25 of the courtroom that are soft spoken being heard by the

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1 we need at least --

2 THE COURT: I had already started doing the math.

3 MS. LANDERS: -- two and possibly three. And I think
4 Mr. Schmonsees was in agreement.

5 MR. SCHMONSEES: I'm fine with three. I think that
6 makes sense, unless somebody gets Covid. Or even if you get a
7 cold, you're not going to want to come in, right?

8 THE COURT: I completely agree. I would normally do
9 one in a normal time, but I think that three is a very smart
10 number.

11 My math then would be that would be 12 jurors, 3
12 alternates, 6 challenges each side. So we would then need 15
13 plus 12 is 27.

14 MS. LANDERS: But then we each get two -- we each get
15 one challenge for the first two alternates; is that right?

16 THE COURT: Oh, we need -- thank you.

17 MS. LANDERS: And then, one challenge for alternates
18 3 and 4. And we don't have a 4, so it would be four more.
19 Four more?

20 THE COURT: So 12 jurors, 3 alternate jurors, 6
21 challenges peremptory to the main panel from the plaintiff --
22 from the State, 6 challenges from the Defense. Then two
23 challenges each side for the alternates for a total of 12, 15,
24 15 plus 12 is 27 plus 4 is 31.

25 MS. LANDERS: Okay.

340

1 THE COURT: Is that correct with the math?

2 MS. LANDERS: Yes.

3 MR. SCHMONSEES: Yeah.

4 THE COURT: I think you all have heard me say I was
5 an alternate once. I have very strong feelings that alternates
6 should not know that they are alternates --

7 MR. SCHMONSEES: I agree.

8 THE COURT: -- given that experience that I had. So
9 they won't be told. Their seating will be randomized. We will
10 all know very clearly who the alternates are, but they won't
11 know till the end of the trial.

12 The other thing that I have learned this morning as
13 we have been proceeding is this. The microphones that the
14 Court has to use on counsel do not amplify. They only serve to
15 feed into the FTR.

16 The only way that voices could be amplified I'm
17 hearing is for every juror and every counsel and every listener
18 to have an audio-enhancing device to enhance the FTR.

19 I am conferring with our trial court administrator
20 right now about how we can resolve this issue, because I'm very
21 concerned that we may have two soft-spoken young children, who
22 are testifying.

23 I'm having problems hearing you when you are facing
24 that way. And I am having very serious problems hearing the
25 folks in the back of the courtroom and soft-spoken people like

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1 PROSPECTIVE JUROR: (No audible response.)

2 MS. LANDERS: What about you, what do you think?

3 PROSPECTIVE JUROR: If I saw?

4 MS. LANDERS: Yeah.

5 PROSPECTIVE JUROR: (Indiscernible.)

6 MS. LANDERS: I can't hear you.

7 PROSPECTIVE JUROR: I would think that it was raining
8 outside.

9 MS. LANDERS: Okay. And are you comfortable with
10 drawing that conclusion even though you haven't left the
11 courtroom and gone to a place where there's a window and looked
12 outside? Are you comfortable saying it must be raining?

13 PROSPECTIVE JUROR: (Indiscernible.)

14 MS. LANDERS: Okay, I think that I've had a little
15 trouble hearing and I apologize. And I'm a little bit
16 concerned throughout the course of the trial that you all, if
17 any of you (indiscernible) will have trouble hearing as well
18 with masks and with -- especially with the masks.

19 Are you all able to hear me? Okay. And if there's
20 ever a point and you're in this courtroom and you can't hear,
21 be sure and let us know, let the judge know, or the judge's
22 clerk know immediately by raising your hand or something like
23 that.

24 So Mr. Schmonsees, I think, started talking about the
25 types of evidence (indiscernible). And one of the types that I

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1 want to (indiscernible) "Law and Order" and some of like ethe
2 true crime type shows, one of the types of evidence that people
3 hear a lot about a lot is forensic (indiscernible).

4 It is unlikely that you will hear any evidence, like
5 anything about any forensic evidence in this case. Mr.
6 Schmonsees talked about the judge will instruct you that the
7 testimony of any witness is sufficient to prove any fact in
8 dispute.

9 And so, for jurors, the evidence that you receive
10 comes from what the witness has told you. Is there anybody who
11 feels like I can't reach a verdict based just on what I feel
12 (indiscernible)?

13 PROSPECTIVE JUROR: I guess (indiscernible.)

14 MS. LANDERS: Let's talk about that.

15 PROSPECTIVE JUROR: So (indiscernible) one person
16 will tell you (indiscernible). And ultimately, if you have one
17 person (indiscernible) the other person, then you have
18 (indiscernible) personal (indiscernible).

19 MS. LANDERS: Well, I think that's --

20 PROSPECTIVE JUROR: (Indiscernible.)

21 MS. LANDERS: I think that's an important thing to
22 talk about because I know what you're talking about is
23 credibility, right, that some people when they tell you
24 something, you are evaluating what you hear from them and
25 making a decision about who you find to be more credible.

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1 PROSPECTIVE JUROR: Yeah, I'm pretty triggered right
 2 now, yeah.

3 MS. LANDERS: Okay, that was going to be my next
 4 question.

5 PROSPECTIVE JUROR: Yeah.

6 MS. LANDERS: I don't have any more questions for Ms.
 7 McCormick.

8 THE COURT: Do you have an objection to a cause
 9 challenge? Do you have an objection to a cause challenge?

10 MS. LANDERS: No, Your Honor, I don't.

11 THE COURT: All right, ma'am, thank you for the
 12 information you've shared. And at this time, given the
 13 representations you made, I'm going to excuse you from being a
 14 juror on this case.

15 If you could take off your -- they used to be
 16 buttons. Now they're badges, I guess. If you can take off the
 17 badge. Just leave it right on your seat where you're sitting.
 18 And you're now free to go.

19 PROSPECTIVE JUROR: Thank you.

20 THE COURT: Thank you very much for your
 21 participation.

22 MR. SCHMONSEES: I think Ms. Landers, who's a D.A.
 23 here, she just used a great word and that's really what I want
 24 to focus on to folks who don't think they can be fair and
 25 impartial, if you feel like you would be triggered.

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1 Anybody else who feels like they would be triggered?

2 Mr. Defider (phonetic), did I say that right?

3 PROSPECTIVE JUROR: Yeah.

4 MR. SCHMONSEES: Yeah, you feel like it's a
 5 triggering experience?

6 PROSPECTIVE JUROR: Yes.

7 MR. SCHMONSEES: You're feeling emotional?

8 PROSPECTIVE JUROR: Yeah.

9 MR. SCHMONSEES: Feel like you might -- I had a juror
 10 once who said, hey, I could do this, I'm a survivor and then
 11 she started crying during opening statement. So it's better
 12 that we get this out of the way now, right? So I appreciate
 13 candor.

14 Your Honor, I challenge for cause.

15 THE COURT: Ms. Landers or Mr. Powell?

16 MS. LANDERS: Thank you, Your Honor.

17 And how do you say your last name?

18 PROSPECTIVE JUROR: Defider.

19 MS. LANDERS: Thank you. Ms. Defider, I guess the
 20 same question for you that I posed to the juror that we just
 21 let go.

22 You know, understanding that these cases are hard for
 23 any person, do you believe that you are sort of uniquely -- it
 24 would be a unique -- Can you hear me?

25 PROSPECTIVE JUROR: Barely

hearing

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1 (Counsel confer.)

2 THE COURT: Thank you very much. Excellent. We're
3 having problems with the audio-enhancing devices and static.
4 And we need the three microphones to amplify voices of counsel
5 and the witness, but the most important right now is the
6 ADA-compliant tech.

7 (Counsel confer.)

8 THE COURT: Counsel, I will also note it looks like
9 you're looking through jury questionnaires at this point and
10 someone -- I think I heard someone remark that somebody hadn't
11 been excused.

12 If you have additional stipulations about folks that
13 should be removed from your panel, please just let me know and
14 we'll take those folks off the list and excuse them.

15 And I should also note you have all moved to the
16 other side of counsel table, so you're addressing the back of
17 the courtroom, which makes complete sense to me. And I
18 completely validate that decision and your locations.

19 MR. POWELL: Oh, Judge, one question. In terms of
20 water, is it okay if we bring up a water bottle or something
21 like that they can sip from as opposed to having cups out
22 and --

23 THE COURT: I have no problem whatsoever with counsel
24 having a bottle of water, as long as it has a lid on your
25 table.

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1 This is Judge VanDyk's courtroom, so I wouldn't
2 expand that as I normally do, which would be to allow you all
3 coffee or tea or whatever other nonalcoholic beverage of your
4 choice, but I will extend it to water, given that we're in
5 trial.

6 MR. POWELL: Thank you, Judge.

7 MS. LANDERS: Thank you.

8 THE COURT: Testing, testing, testing, testing,
9 testing. Can you hear me, Sir?

10 THE DEFENDANT: Yes.

11 THE COURT: Is the buzz gone? Testing?

12 THE DEFENDANT: Yes.

13 THE COURT: Thank you. Thank you very much. I think
14 we are ready to go at this point.

15 And then again, at some point in the near future, not
16 emergent, we just need the three microphones for counsel to
17 have on them to amplify their voices and one for the witness.

18 UNIDENTIFIED SPEAKER: Okay.

19 THE COURT: So we'll need those three, but not
20 immediate.

21 UNIDENTIFIED SPEAKER: Okay.

22 THE COURT: Thank you.

23 THE CLERK: Thank you so much.

24 THE COURT: Okay, so I think that we are now ready to
25 go. The other question I would have, counsel, is as it relates

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MR. POWELL: My dad's hard of hearing and then he's an attorney. And my brother is a professional actor. And so, between the two of them, I know enough about sound systems to figure out a couple of things, but --

MR. SCHMONSEES: Do we want to talk about how you want to take peremptories? I don't remember what your rule was.

MS. LANDERS: (Indiscernible.)

THE COURT: Peremptories or cause?

MR. SCHMONSEES: Sorry, for cause.

THE COURT: Given this type of a case?

MR. SCHMONSEES: Yeah.

THE COURT: If there is something that a juror is uncomfortable discussing, we will clear the courtroom of all their juror colleagues and you can inquire of that one individual.

→ The good news is that Judge Rastetter's courtroom is not in use today. So we can shuttle them back and forth very easily, but if we have a juror having any hesitancy, we will take care of it that way.

If we have a juror, which I see frequently on this kind of case and I know you see as well, who immediately is expressing deep levels of emotion, fighting back tears, crying, and that kind of a situation, I would not be inclined to further inquire of them if they indicate they simply can't be a

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juror. And then, if I have a motion, I would just let them go.

But is that enough of an answer to the question?

MR. SCHMONSEES: Yeah, it's like some judges don't want me to do it in front of the jury, like challenge for cause.

THE COURT: I think there has to be a challenge for cause in front of the jury. I think that there has to be an opportunity for the other side to ask questions in rehabilitation and for the Court to inquire of the juror as well.

If you all have a -- an opinion about a different way of proceeding through that, I will accept whatever stipulation you all wish to make.

MR. SCHMONSEES: I think that's fine, Judge. And I just so you know the number of people that I marked based on the questionnaires is about half, but we still have enough to have a trial, not assuming that they're all getting struck.

But even if they were, I don't -- I had a trial (indiscernible) we're still worried about having jurors, but --

THE COURT: Robin?

THE CLERK: Do you need me to find Tech? ←

THE COURT: Desperately. ←

THE CLERK: I will go find them. ←

THE COURT: We cannot proceed any farther until we have assistance with the audio-enhancing devices for this ←

TECH PROBLEMS!!!
SO THE JUDGE STOPS THE
PROCEEDINGS IN THE TRIAL!

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TWICE AND THEN AGAIN. Case 3:25-cv-00347-CK Document 1-1 Filed 02/28/25 Page 47 of 141
 Throughout the entire TRIAL we had problems of sounds buzzing, cutting out,
 Hearing other court proceedings, Dealing with Tech issues non stop. From page 48

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1 THE COURT: Someone from Tech is on their way right
 2 now.

3 MR. SCHMONSEES: How about now?

4 THE COURT: Testing, testing, testing, testing,
 5 testing, testing, testing, testing, testing, testing. There is
 6 a potential, Mr. Schmonsees, that he's actually tuned in to
 7 another courtroom.

8 MR. SCHMONSEES: We can hear another judge making a
 9 ruling.

10 THE COURT: It's not surprising to me.

11 MS. LANDERS: (Indiscernible.)

12 MR. SCHMONSEES: There was a motion to continued that
 13 was just granted.

14 THE DEFENDANT: All right.

15 THE COURT: I am not continuing this case, so was not
 16 me for the record.

17 MS. LANDERS: Tech should be on the way, but I --

18 THE COURT: Tech will also be able to tell us about
 19 the microphones. Do you all need those for your voir dire?

20 MR. SCHMONSEES: I would like that, please.

21 (Counsel confer.)

22 THE DEFENDANT: I hear other court.

23 THE CLERK: Oh, it's still there? Okay.

24 MR. SCHMONSEES: Judge, can I have a two-minute
 25 break?

Hearing
other
Courtroom

Tech Problems

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1 THE COURT: Go right ahead. Mr. Schmonsees, we're
 2 going to -- I'm going to continue to remain here to work on the
 3 tech issues --

4 MR. SCHMONSEES: Okay.

5 THE COURT: -- and to speak with Tech about getting
 6 the microphones.

7 MR. SCHMONSEES: Okay.

8 THE COURT: If you're not comfortable with that, I'll
 9 go off the record.

10 MR. SCHMONSEES: I am, Judge.

11 THE CLERK: Let me see if I can get them here.

12 THE COURT: Do they know that we also need the
 13 microphones?

14 THE CLERK: Yes, I (indiscernible).

15 THE COURT: Thank you.

16 THE CLERK: I don't know that they'll have them for
 17 when they arrive.

18 THE COURT: We've now had Mr. Schmonsees leave the
 19 room. The only issue we will discuss is the technology.

20 Are they on their way?

21 THE CLERK: I have not heard.

22 THE COURT: Can you do an APB?

23 THE CLERK: (Indiscernible.)

24 THE COURT: Okay. Have we gotten a response that
 25 someone has eyes on Tech?

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1 were testifying and that child's parent or guardian did not
2 want them to have a mask off of their face.

3 I would be extremely hesitant to order that that
4 child then remove the mask, given the age and given the medical
5 problems of Covid.

6 If that child's parent or guardian has made it very
7 clear that they are to always be masked when out in public, I
8 am not going to override that parent's decision due to the
9 medical concerns.

10 MS. LANDERS: Okay.

11 THE COURT: I don't know what has happened between
12 that child and that parent or that child and that guardian. I
13 don't know if that child will be more comfortable without a
14 mask. I don't know if that child would be more comfortable
15 with a mask.

16 What I'd like to do is reserve a decision about
17 masking of the children. When they testify, I will note for
18 the record this courtroom unlike my courtroom and Judge
19 Karabeika's courtroom has no plexiglas on the bench, has no
20 plexiglas any where, has no plexiglas around the witness stand
21 or between the judge and the witness.

22 There are different courtrooms, i.e. Judge
23 Karabeika's courtroom where that plexiglas is in place at least
24 for the Court. I don't recall if it is for the witness.

25 If we have a courtroom in the courthouse that has

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1 plexiglas for the judge and the witness, potentially we could
2 move to that courtroom if it's an issue.

3 If I have a motion from one of the parties though, a
4 request from one of the parties that one of the witnesses
5 either definitely have a mask removed or definitely have a mask
6 on, then we'll need to take that up at that point in the trial.

7 One of the issues is the ability of the witnesses to
8 be heard throughout the courtroom. I don't know how loud those
9 children speak. When I have an adult, I can usually convince
10 them to speak loudly. We can admonish them over and over
11 again.

12 I don't know what kind of challenges we're going to
13 have with those youths.

14 The other question would be as it relates to the
15 microphones. Do we only have two? Do we have more than two?
16 If we have one that we could put on child, then her or his
17 voice would be able to be heard better.

18 I don't want to make a decision about that right now
19 because I think that we need to work our way through to that
20 point and see how that goes.

21 MS. LANDERS: I don't disagree with that. And I
22 think that that's a good idea. My primary concern is making
23 sure that the jury can hear them.

24 THE COURT: Correct.

25 MS. LANDERS: And it's very difficult often for

Hearing

Hearing

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And I have not heard anything from Mr. Schmonsees that he is highlighting any part of those interviews that he believes should be redacted. So I intend to offer those as I received them.

THE COURT: Mr. Schmonsees, anything in that regard?

MR. SCHMONSEES: Not as to the interviews of Olivia and Avery.

THE COURT: As to the pretext phone call, redacted version?

MR. SCHMONSEES: I listened to it, Judge. I think it was fine.

MS. LANDERS: Thank you.

THE COURT: This is the first trial with a jury trial that I have held since we have been under the Covid status. What have the other judges in our county been doing as it relates to masking of attorneys, masking of witnesses? Is there a consensus that you have seen or are we simply taking this on a case-by-case basis?

MR. POWELL: Judge, maybe I can be helpful in that regard. I've had a couple of trials since the Covid outbreak, and different judges have different rules as it relates to witnesses.

It seems to be pretty consistent that jurors would be wearing their masks, and that attorneys, if they're going to approach the jury for instance in closing or opening, will be

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wearing theirs, but then there are different theories about whether the witnesses should wear them or whether the attorneys should wear them during questioning from the counsel table.

MR. SCHMONSEES: I want everyone to be wearing a mask at all times in lines with Oregon Health Authority's recommendations. Just because we're in a trial doesn't mean that Covid can't be caught in here.

We wore a mask the whole time in my (indiscernible) trial in this courtroom. Some of the jurors had a hard time hearing.

I understand Judge Steele told me after we talked about after that trial that some microphones were obtained. So I would ask be able to use the microphone on my lapel.

THE COURT: Do you know where those are?

THE CLERK: I don't.

THE COURT: Let's find out from Tech, thank you.

MS. LANDERS: And if I could just respond? I would say that with respect to the Covid rules, they typically do not apply to many children.

So out in the community, while adults are required to be masked, children are typically not required to be masked.

THE COURT: How old are the children at issue in this case?

MS. LANDERS: They are 10.

THE COURT: I would be extremely hesitant if a child

Hearing

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assisted listening device. We'll need to tinker with the listening device.

He was not able to hear -- I trust you got my email yesterday, Judge?

THE COURT: I --

MR. SCHMONSEES: He was not --

THE COURT: Let me put on the record what I was doing yesterday afternoon. As is always my practice, I read the entire court file, both of the entire court files that are before me and noted there was an assertion in a document filed that your client was deaf and hard of hearing.

And I was immediately very concerned that we make sure that he has the ability to hear the entire proceeding, inquired of the parties whether he needed an American sign language interpreter or other accommodations under the Americans with Disabilities Act.

And the response from Mr. Schmonsees was that he had had trouble hearing Judge Rastetter's ruling, but that if his hearing aid battery is charged, that may resolve the issue.

I'm paraphrasing Mr. Schmonsees' words and I may be doing that incorrectly. If I am, I'm sorry, but I do note that we have the assisted listening device.

And I'm hearing a buzz myself. So what we will do is we will give you the opportunity to make sure that that is functioning.

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I do note some people I've seen that have hearing aids have a challenge with the combination of the hearing aid and the assisted listening device. So whatever we need to do to make sure that he can fully here the proceeding, we will take care of.

Deputy, let's go ahead and unless the Sheriff's Office has concerns you want to articulate, go right ahead.

UNIDENTIFIED SPEAKER: Okay.

MS. LANDERS: Your Honor, the parties before you (indiscernible) have been talking about whether or not (indiscernible) at this time around at counsel table and face out into the panel of jurors.

And I don't know if that's going to work for the Court or not. We'll have our back to the judge, but we won't be able to see the jurors.

THE COURT: I would never anticipate that you would have your backs to the jurors. I would much prefer that you are addressing them and the witnesses, etcetera, in a way that you're most comfortable.

So I would even encourage you as long as we can make sure and Carly is spectacular about maintaining a record, as long as we can make sure that your voices are being picked up, I don't care where in the well you are or how you are positioned.

If either of you would like, it looks like we also

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MR. SCHMONSEES: Okay.

THE COURT: -- format, okay, but I, you know, if we can get it down, then I don't have so much time for the jurors filling this out.

Keep in mind when we bring jurors in, and we need to make this, you know, appropriate for Mr. Champagne as well, but when we bring jurors in, they come in, they go out, they leave.

We have to clean out the room before the next batch comes in. And so, it's a hassle, okay? But we're dealing with it. And so, but that's one of our concerns is how long it'll take.

MR. SCHMONSEES: Your Honor, can I just confirm?

THE COURT: Yes.

MR. SCHMONSEES: (Indiscernible.)

THE COURT: I can't hear you. Could you -- you're cutting out.

MR. SCHMONSEES: 10, 22 --

THE COURT: Okay, now you're cutting out and I can't hear you at all, Mr. Schmonsees.

MR. SCHMONSEES: Sorry.

THE COURT: Okay.

MR. SCHMONSEES: If I can get somewhere real quick.

THE COURT: Okay.

MR. SCHMONSEES: I just wanted to confirm the questions --

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THE COURT: Yes.

MR. SCHMONSEES: -- that you had?

THE COURT: Oh, okay.

MR. SCHMONSEES: 10, 22, 23, 25, 31?

THE COURT: Yes.

MR. SCHMONSEES: Okay.

THE COURT: And 31 on appears to be the general questions for jurors, which may be on our general questionnaire. We -- if we give a special one like this, we're not going to give the general one. So I want to make sure that --

MR. SCHMONSEES: Right.

THE COURT: -- we have the same questions there. And I don't know if it needs to be more expansive that, you know, is on here or not. I don't know. You guys take a look at it first before I have to weigh in on that, okay?

MS. LANDERS: Yeah.

MR. SCHMONSEES: Yeah.

THE COURT: Yes, Ms. Albrich, did you have another question?

THE JURY COORDINATOR: I think you addressed it.

THE COURT: Okay.

THE JURY COORDINATOR: My concern is that we will not do our questionnaire.

THE COURT: No.

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(Call to order at 8:45 a.m.)

MS. LANDERS: Good morning, Your Honor.

THE COURT: We're on the record, counsel?

MS. LANDERS: We are.

THE COURT: All right, folks, I'm Judge Steele. I'm taking off my mask so you can hear me. I understand we have Mr. Schmonsees on the telephone and I want him to be able to hear me as well, but you -- and I'm here and you're out there. So here we go.

You want to call the case, please, Ms. Landers?

MS. LANDERS: Yes, Your Honor, State of Oregon v. Michael Wayne Champagne, case number 19CR60073. This is time set for a motion.

Mr. Schmonsees filed a motion requesting that the Court approve of a jury questionnaire for this jury trial that is scheduled to start in a little more than two weeks.

THE COURT: Isn't that the 13th, October 13th?

MS. LANDERS: 13th.

THE COURT: Yes, 14, something like that.

MS. LANDERS: Maybe right at.

THE COURT: Okay.

MS. LANDERS: And the State was previously represented by Ms. Vogel. She is leaving the office, so I'm taking over at this point.

THE COURT: Okay.

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MS. LANDERS: Present in the courtroom in addition to myself, we have Mr. Powell with my office.

THE COURT: Uh-huh.

MS. LANDERS: We have Mr. Champagne present in custody and Mr. Schmonsees is appearing by phone.

THE COURT: Okay, you should know I also have Maria Albrich in the courtroom, who is our jury coordinator.

MS. LANDERS: Okay.

THE COURT: Okay, so in case there were procedural issues that we needed to address today, she, you know, is the horse's mouth, as they say in any event. Okay. Yes?

MS. LANDERS: So it's Mr. Schmonsees' motion, so I think I'll let him go first.

THE COURT: Mr. Schmonsees, anything you want to tell -- well, let me ask you, does the State have any objection to the Defense filing a juror questionnaire?

MS. LANDERS: The State has some objections to the specific questionnaire filed.

THE COURT: You mean to specific pieces of it --

MS. LANDERS: Yeah.

THE COURT: -- or the fact that there is one?

MS. LANDERS: No, the specific questions.

THE COURT: Okay.

MS. LANDERS: The State is somewhat on the fence about whether or not a questionnaire is appropriate or

1393

MR. SCHMONSEES: Yeah, I shouldn't have put that. I

--

THE COURT: That's the title.

MS. LANDERS: Yeah, that's the title.

THE COURT: I have special jury instruction number 1. requested by the State. And I have something titled modifications to State requested Williams instruction as presented by the Defense.

MS. LANDERS: I don't have any further argument.

THE COURT: Okay. Any further argument, Mr. Schmonsees?

MR. SCHMONSEES: No.

THE COURT: Ms. Landers, I frankly agree with Mr. Schmonsees. Special jury instruction number 1 is difficult to read and difficult to comprehend.

And if I were a juror, even with legal knowledge, I would have a hard time filtering through what it was that I was supposed to do with it.

I think that instruction entitled modifications to State's requested Williams instructions is clear. And it is a correct statement to the law.

We need a different title it for it, though folks, that would jot -- it would go along with the other titles that we have.

MR. SCHMONSEES: How about prior bad acts evidence?

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You guys okay with that?

MS. LANDERS: That's fine.

THE COURT: This -- then I still have Defendant's prior conviction, any objection?

MR. SCHMONSEES: No.

MS. LANDERS: What's the number on that one?

THE COURT: 1023.

MS. LANDERS: That's so I can find it.

(Indiscernible.)

THE COURT: Did you want to see the paper copy, Ms. Landers?

MR. POWELL: No.

THE COURT: He said no.

(Counsel confer.)

MS. LANDERS: Reading the (indiscernible) Mr. Powell just says, and I don't know if he said that loud enough for the

Court to hear, but I think that the Williams instruction or the modified Williams instruction, the prior bad acts instruction should take the place of that instruction unless of course the Defendant ends up testifying, in which case that sort of broadens the use that the jury can make of the prior conviction.

But that instruction specifically refers to the Defendant's credibility, which is not at issue without him testifying.

COGLIANESE (ReD)

1211

time.

THE WITNESS: Thank you.

THE COURT: Thank you very much.

MS. LANDERS: Wait for the jury to clear before you head out.

(Recess at 11:32 a.m., recommencing at 11:48 a.m.)

THE COURT: We're on the record, go ahead.

MS. LANDERS: Thank you, Your Honor. Your Honor we are trying to get this worked out, but we're having a little bit technical difficulty. And it may require the assistance of some --

THE COURT: Tech people?

MS. LANDERS: Tech people.

THE COURT: Yes.

MS. LANDERS: Well, I think it would be myself and Mr. Powell would be the tech people, but it's 11:49. Dr. Bourg, her conflict has resolved.

So our suggestion is that we leave this up maybe, and take our lunch recess, and try to figure out how to get her because not -- audio is not sufficient. We also need video.

THE COURT: I appreciate that. Given the time, that makes a lot of sense. Rather than have the jury come back and then have them file out again.

MR. SCHMONSEES: Yeah.

THE COURT: Would bit be sufficient for me to direct

COGLIANESE (ReD)

1212

Ms. Poland that all of my previous admonitions stand that they are released for lunch and to have them back at we'll say 1 o'clock?

MS. LANDERS: Yes.

THE COURT: Is that sufficient or do you want to that to happen here in the courthouse?

MR. SCHMONSEES: That's fine.

MS. LANDERS: That's fine with me. *Tech*

THE COURT: Okay. So, Ms. Poland, if you will them we are recessing early to resolve technical difficulties. They are -- all of my previous admonitions regarding the rules they are governed by remain in place and they should be back at the Holman building at 1 o'clock.

THE CLERK: Yes.

MS. LANDERS: Okay.

THE COURT: Anything further before we recess until --

MS. LANDERS: No.

MR. SCHMONSEES: No, Judge.

THE COURT: So if everybody can be ready here and ready to go at about five minutes after 1 with the tech issues resolved, then we can hopefully streamline the afternoon.

→ I'm assuming, given our timeline, that we are not going to be finishing today?

MS. LANDERS: I think that's a safe assumption at

BOURG (X)

1321

1 Q Are you speaking of potentially the pre-text phone
2 call?

3 A Yeah, like I said, I'd have to review my -- I don't
4 know.

5 Q Okay, go ahead and do it.

6 A The -- do we want to take a break because it's 13
7 pages, so?

8 MS. LANDERS: I -- Your Honor, I would ask that we
9 take a break so she can review her notes?

10 THE COURT: Ladies and gentlemen, we'll use this as
11 our afternoon recess. We'll take 15 minutes. Please leave
12 your tablets face down on your chairs and we'll see you back in
13 15 minutes.

14 (Recess at 3:34 p.m., recommencing at 3:55 p.m.)

15 THE COURT: We are back on the record. Are we ready
16 to bring back the jury?

17 MS. LANDERS: Sure.

18 MR. SCHMONSEES: Yes, Your Honor.

19 THE COURT: All right. I did appreciate greatly the
20 movement that happened when Mr. Traynor (phonetic) joined us.
21 Ms. Chin (phonetic), for us, I appreciated your involvement so
22 we kept social distancing in the back.

23 (Jury entering courtroom)

24 THE COURT: All of our members of the jury have
25 returned. Go ahead with your next question.

BOURG (X)

1322

WENDY BOURG (CONTINUED)

DIRECT EXAMINATION

BY MS. LANDERS:

4 Q Thank you. Ms. Bourg, do you remember where -- or
5 Dr. Bourg, do you remember where we were?

6 A Yes. You were asking what my source of information
7 for the concern about the children, Avery and Olivia
8 (indiscernible).

9 Q Yes. Were you able to locate that?

10 A Yes, I was.

11 Q Where did you -- what is the information that you
12 were in possession of?

13 A There were three sources for that statement. One
14 was --

15 THE COURT: I'm sorry, we have a juror raising his
16 hand.

17 Sir?

18 UNKNOWN JUROR: Uh --

19 THE WITNESS: Oh, sorry, my microphone.

20 THE COURT: Are you having a hard time hearing? All
21 right, we will --

22 THE WITNESS: Okay.

23 THE COURT: Thank you for doing that. Shooting your
24 hand up like that was perfect.

25 THE WITNESS: I have three sources for that

Hearing
19
20
21
22
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25

77

BOURG (X)

1331

1 A That's correct.

2 Q And you would agree that that is something that is
3 outside of the normal developmental range of a 9-year-old
4 child?

5 A Yes.

6 Q And would you agree that it is well outside the
7 normal developmental range?

8 A Yes. As long as the child's been protected from
9 inappropriate media, it's well outside the range of experience
10 of a 9-year-old child.

11 Q Protected from inappropriate media or individuals who
12 sexually abuse them?

13 A Yes.

14 Q And then, same with the penetration of the child's
15 vagina with a finger, a male finger, that would also be outside
16 the normal range of experience for a 9-year old?

17 A That's a little murkier because kids sometimes probe
18 their own areas and they sometimes engaged in mutual
19 exploration.

20 I don't know that you can say that that is so far outside
21 the range of behavior. There's an instrument that measures
22 that by Bill Friedrich (phonetic).

23 So certain kinds -- so when you say it really generally
24 the penetration of a vagina would be outside of the experience
25 of a 9-year-old child, my answer's no.

BOURG (X)

1332

1 If you want to ask me the experience of a man penetrating
2 a child's vagina, is that outside the range of understanding
3 your experience of a 9-year-old child, I would answer yes to
4 that yes. And I think that's really what you're trying to get
5 at.

6 Q I think that was actually my question.

7 A Yes.

8 Q Okay.

9 A Yes.

10 Q So you identified two, what you identified as two
11 countervailing biases in -- particularly related to Avery?

12 A Two countervailing?

13 Q Biases?

14 A Biases.

15 Q Sorry, hard with a mask. *hearing*

16 A I know. It's okay.

17 Q With respect?

18 A Most of what I'm hearing is fine.

19 Q With respect to Avery and I -- what I want to talk
20 about now is the pro Defendant, the pro Michael Champagne bias?

21 A Yes.

22 Q And you would agree that that was clear in the
23 information that you received that there was a strong bias by
24 Avery's parents in favor of the Defendant?

25 A A clear bias. Again, I didn't have a measure of the

M KOPP (D)

1429

1 THE WITNESS: Molly Melinda Kopp, K-O-P-P.

2 THE COURT: Please be seated.

3 You may inquire.

4 MR. SCHMONSEES: Thank you, Your Honor.

DIRECT EXAMINATION

6 BY MR. SCHMONSEES:

7 Q Ms. Kopp, do you know Michael Champagne?

8 A Yes.

9 Q Can you tell the jury how you know Mr. Champagne?

10 THE COURT: A jury in the back of the courtroom is
 11 waving their hand. Ma'am, I assume that's because they can't
 12 hear you.

13 There is a microphone right in front you. Can you
 14 pick that up and hold it close to your mouth, talk into it.
 15 It's somewhat awkward, but we need to make sure that everyone
 16 can hear your voice.

17 THE WITNESS: All right. Yes, I do.

18 THE COURT: Can you all hear her? Thank you.

19 MR. SCHMONSEES: Did you hear the question?

20 THE COURT: Why don't you start again, Mr.

21 Schmonsees?

22 MR. SCHMONSEES: Thank you.

23 BY MR. SCHMONSEES:

24 Q Ms. Kopp, do you know Michael Champagne?

25 A Yes, I do.

M KOPP (D)

1430

1 Q How do you know Michael Champagne?

2 A I've know Michael Champagne for 11 years. We were in
 3 a relationship.

4 Q Can you try to project your voice very loudly? I
 5 know there's a lot of people in here, but it helps if everyone
 6 can hear you and obviously about 40 feet away from here. So
 7 you said --

8 A We'd been a long-term relationship.

9 Q Long-term relationship. Do you live together or did
 10 you live together?

11 A Yes.

12 Q And for how long?

13 A 10 years.

14 Q 10 years, okay. And do you know Avery Champagne?

15 A I do.

16 Q Do you know Olivia Alexander?

17 A Yes.

18 Q Okay. Have you spent time with them?

19 A I've spent quite a bit of time with Avery, not so
 20 much with Olivia.

21 Q Okay, how about Stryker and Ashton?

22 A Yeah, Stryker, but not Ashton, no.

23 Q Okay. And where did you live with Michael?

24 A In Gladstone.

25 Q Okay. We've heard reference to a property in Mulino?

M KOPP (D)

1433

1 A Never.

2 Q Okay. Are you aware that Mr. Champagne has a prior
3 conviction?

4 A Yes, I am.

5 Q How long have you known about that?

6 A Since we -- early on since shortly after we met.

7 Q Okay, so it wasn't a secret?

8 A No.

9 Q Okay. Now you downloaded or did you download some
10 videos?

11 A I did.

12 Q Can you tell the jury specifically what you were
13 downloading and then, we'll look at pictures of them?

14 A They are videos taken in the summer or, well, spring,
15 June 13th I believe it was, 2019.

16 Q Okay.

17 A He went to the river with Gemma, Ashton, Olivia,
18 Stryker, Avery, and the Baby Matthew.

19 Q And were you at the river?

20 A No, I was not.

21 Q Where were you on this day?

22 A I was home, taking care of my mother.

23 Q Okay. Did you see Michael that night?

24 A Yes, I did.

25 Q Did anything happen that was significant or that

M KOPP (D)

1434

1 startled you?

2 A No, actually, when he got home, he was in a real good
3 mood. We went for an evening ride on -- we had a little
4 scooter that we would take down and take rides and go down to
5 the river.

6 Q Okay.

7 A And --

8 Make sure you project your voice, okay? You're
9 getting a little softer.

10 A Sorry. No, it was a normal evening. He was in a
11 good mood. He said he had a great day.

12 Q Remember not to tell me what anybody said.

13 A Oh, I'm sorry.

14 Q One of the rules we have in Court, okay?

15 A Yes, I'm sorry.

16 Q So in terms of the videos that you downloaded, how
17 were you able to do that?

18 A Well, they were -- he uploaded them from his camera
19 to Facebook. So I downloaded them. They were in my computer.

20 Q And how do we know that Michael took these videos?

21 Mr. Champagne, excuse me?

22 A They were taken with his phone. I viewed them on his
23 phone and then recorded them or uploaded them.

24 Q And don't tell me what he said, but could you hear his
25 voice?

80

SUCK IT

COGLIANESE (X)

1191

1 tried to put on how do you say tried?

2 (Video ends at 10:59 a.m.)

3 MR. SCHMONSEES: As long as your microphone's on, you
4 can stay there. As long as you're okay with that. It should
5 be picked up, I believe.

6 BY MR. SCHMONSEES:

7 Q And can you tell the jury what she said in that call,
8 the second disclosure in this video?

9 A I believe she started saying he tried to make me and
10 I think she said twice. And then, she wanted to whisper it in
11 my ear.

12 And at that point, I reminded her that Ms. Petersen and
13 Detective Bray were behind the mirror and that I would have to
14 still say it, so they heard it. And then, I offered her a
15 chance to write it down.

16 So she chose to write it down. And then, I believe that
17 was introduced as an exhibit. I don't recall the number.

18 Q Correct. And then, do you have a memory of more
19 details of the disclosure if I ask you a few questions about
20 it?

21 A Possibly. I might refer to my --

22 Q And you can go take your seat for a second.

23 A Okay.

24 Q We'll play the video in a minute.

25 A Thank you.

COGLIANESE (X)

1192

1 Q What she told you is that grandpa was at her house
2 babysitting her and had asked her if she would suck on his
3 private and she said no. And he walked away?

4 Does that ring a bell? That was at disclosure of
5 this -- we will call that -- we won't call it anything. We'll
6 just call it something she said.

7 A So I don't recall her saying that he was babysitting
8 her, but she had mentioned that it happened in her room and
9 that she -- he asked her to do it to suck his private and she
10 said no.

11 Q And then, you asked some follow up questions to I
12 would assume try to establish if he made any attempt or
13 substantial step to make that happen, right?

14 A Yes, when a child tells me that somebody tried to do
15 or tried to do something to them or tried to make them some
16 make -- I'm sorry, tried them -- tried to make them to do
17 something to him, I apologize, I tried to follow up and
18 understand if that was an attempt that failed or an attempt
19 that was successful.

20 Q Okay, and in this case, the disclosure was in an
21 attempt that didn't go anywhere. It was just a question and
22 you walked away, correct?

23 A I don't recall if she said that he walked away or
24 not, but she said she told him no.

25 Q Okay. I'm going to play the next segment.

Review

COGLIANESE (D)

1135

1 my mic on too, because I remember that people were having
 2 trouble hearing me.

3 MS. LANDERS: Can everybody here me? And could you
 4 hear me before or do I need to repeat? Okay. Thank you.

5 BY MS. LANDERS:

6 Q So based on the information that you have received
 7 prior to Avery coming into the Children's Center, you had
 8 received information that Avery had made a disclosure?

9 A That is correct.

10 Q And then Avery did not make a disclosure to you?

11 A That is correct.

12 Q Okay, I want to talk a little bit about the barriers
 13 to a child and a child's ability to make a disclosure of sexual
 14 abuse. Is there research and literature around that subject?

15 A Yes, it's also a topic discussed in our Oregon
 16 Interviewing Guidelines, which I was talking about yesterday.

17 Q And is that something that as a forensic interviewer
 18 you are aware of and you keep up on the literature and research
 19 around that topic?

20 A Yes.

21 Q So tell the jury a little bit about what the barriers
 22 to disclosure are for a child?

23 A Sure. So there's several barriers to disclosure that
 24 we know about. One of them could be that the person who
 25 committed the abuse is and the child are very close. They have

COGLIANESE (D)

1136

1 a close relationship.

2 It could be because a child might not disclose because
 3 they're worried about what might happen to them or to their
 4 family if they disclose.

5 It -- another reason why child might not disclose abuse
 6 would be if they've been told by the person who was abusing
 7 them to keep it a secret.

8 Or if they were in any way, shape, or form made to believe
 9 that they're complicit in what happened, that if the child is
 10 close, both the child and the person who's abused them would
 11 get in trouble.

12 They could also -- another barrier to disclosure could be
 13 that they feel shame and they feel ashamed about what happened.

14 And another piece could be that there's what we call a
 15 nonoffending caregiver, which is the caregiver who has not
 16 perpetrated abuse on the child, that if this not offending
 17 caregiver is not believing the child, that might be another
 18 barrier to disclosure.

19 Another barrier is or could be, for example, that the
 20 child has made disclosures in the past and either the system or
 21 the family failed to protect the child.

22 Q Okay. And so, are some of those barriers to
 23 disclosure something that can also impact recantation?

24 A Yes, a lot of these could impact a recantation,
 25 especially if a child discloses and there is kind of some kind

82

1041

1 A Of 2019, correct. May I have my report in front of
2 me just to make sure?

3 Q Yeah.

4 A Thank you.

5 Q And you have it?

6 A Yes, I do. It's June 21st, 2019.

7 Q Okay. That was the very next day after Olivia's
8 evaluation?

9 A Yes.

10 Q And who brought Avery to her evaluation?

11 A She was brought by her mother and father, Steven and
12 Jacqueline Champagne.

13 Q Okay.

14 THE COURT: Ms. Landers, Ms. Poland is telling me
15 that one of the jurors reported to her we're having a hard time
16 hearing you.

17 MS. LANDERS: Okay.

18 THE COURT: So using that portable microphone when
19 either of you is questioning might be a prudent idea.

20 MS. LANDERS: Is this better? We'll hope for the
21 best with the feedback.

22 BY MS. LANDERS:

23 Q So I had just asked you who brought Avery to the
24 evaluation?

25 A Yes, on June 21st, she was brought in by her mother

1042

1 and father, Steven and Jacqueline Champagne.

2 Q And did her evaluation follow essentially the same
3 protocol as all of the other Children's Center evaluations?

4 A Yes, it did.

5 Q She had an examination with Ms. Petersen?

6 A Yes, she did.

7 Q And then you did a forensic interview of Avery
8 Champagne?

9 A Yes.

10 Q And do you remember how much -- how long that took,
11 how long it is?

12 A The interview itself or the whole evaluation?

13 Q The interview itself?

14 A I believe maybe around an hour, maybe a little less
15 or maybe a little more. I viewed all six interviews prior to
16 my testifying. So I might be getting it a little mixed up and
17 for that, I apologize.

18 Q No problem, thank you. And did the interview occur
19 in a similar room to the one that you talked to Olivia in?

20 A Yes.

21 Q We're going to watch it in just a moment, but I
22 wanted to talk about a couple of things before we get started.
23 Prior to interviewing Avery, you had received some information?

24 A Yes, that is correct.

25 Q And what information did you have when the interview

23

961

1 A Yes.

2 Q And so, that's a way for the Children's Center to
3 track different parts, different documents that need to be part
4 of a specific child's file?

5 A Correct. And it also has kind of an 8-digit number
6 at the bottom that's specific to the child.

7 Q Okay. Like a record number?

8 A Yes.

9 MS. LANDERS: Your Honor, I would offer State's
10 Exhibits 12 to 23 at this time?

11 MR. SCHMONSEES: No objection.

12 THE COURT: Those will be received.

13 (State's Exhibits 12 through 23 admitted into evidence).

14 MS. LANDERS: And I'm also going to offer State's
15 Exhibit 11, which is the video, the DVI of the evaluation and I
16 don't believe Mr. Schmonsees has any objection to that.

17 MR. SCHMONSEES: No basis for an objection. No
18 objection.

19 THE COURT: That'll be received.

20 (State's Exhibit 11 admitted into evidence).

21 MS. LANDERS: Thank you.

22 BY MS. LANDERS:

23 Q I'm going to grab the now you have your own copy of
24 (indiscernible); is that correct?

25 A That is correct.

962

1 MS. LANDERS: May I hold on to these while she
2 testifies?

3 THE COURT: That's fine.

4 MS. LANDERS: Thank you, Your Honor.

5 BY MS. LANDERS:

6 Q So at this time, I would like to go ahead and play
7 the interview that you did with Olivia Alexander on October, or
8 I'm sorry, on June 20th of 2019.

9 A Uh-huh.

10 Q And I may stop it at various times and so we can kind
11 of show some of the drawings that Olivia did as best we can
12 kind of tie them to specific portions of the interview.

13 A Okay. Whenever a child writes something or draws
14 something, I try to narrate it on video. So, hopefully, that
15 helps, but --

16 Q Okay.

17 A -- we'll see.

18 Oh, and while we're playing the video, you need to
19 turn off your mic or it will get feedback.

20 A Okay.

21 Q There's a switch on the very end.

22 A The ON/OFF button?

23 Q Yes.

24 A Okay, thank you.

25 (Video played at 1:46 p.m.)

911

Q And Ms. Petersen, who do you work for?

A I work for the Children's Center.

Q How long have you worked for the Children's Center?

A I've worked for the Children's Center for seven years now.

Q And what do you for the Children's Center?

A I'm a nurse practitioner, so I provide the medical part of the exams for the children that are referred to us.

Q And just give us a little bit of information about what the Children's Center is if you would?

A The Children's Center is a nonprofit organization that provides child abuse medical assessments for children that are referred into us from a variety of sources with concerns for child abuse and neglect.

Q And you've been there for seven years?

A Correct.

Q How long -- to your knowledge, how long has the Children's Center been open?

A To my knowledge, the Children's Center has been open since the late '90s I believe.

Q Okay, and what is your background in educational -- sort of your educational background and your training that enables you to conduct the examination?

A Sure, so I have a Bachelors degree in Nursing that then gave me sort of as a staff nurse, regular nurse.

Heating

912

Then I went back to school and got a Master's degree specializing in pediatrics. I worked in primary care for probably 17 years in a variety of clinics. I also taught graduate students up at OHSU.

And then, I transitioned into the subspecialty of child abuse from my work from primary care --

Q Okay.

A -- for the last seven years.

Q Okay, and I think if you actually pick the mic up --

A Oh.

Q That might stop that feedback that we're getting.

A Is that better?

Q It is.

A Okay.

Q You can either clip it to your lapel or you can hold it.

A Okay, I can try there. How's that?

Q Okay.

A Better?

Q I think so.

A Yeah, okay.

Q So you began as a primary care provider and then transitioned into the child abuse sort of setting?

A Correct.

Q What kind of extra training did you receive in order

BRAY (D)

815

MR. POWELL: Thank you.

Now, detective, I'd like to play the call. Because the technology issues, if you could please turn off the microphone here. And I'm going to ask you one question after a brief (indiscernible).

THE COURT: Mr. Powell, if he's going to be answering a question, the microphone will --

MR. POWELL: Yeah.

THE COURT: -- need to be turned back on --

MR. POWELL: Yeah.

THE COURT: -- so the record is clear.

MR. POWELL: You're correct, you're right, judge.

Sorry if you could turn the microphone back on for one question (indiscernible).

(Video plays at 9:29 a.m.)

MR. BRAY: Today's date is June 18th, 2019. By my watch, it's right at 3 p.m. in the afternoon. This is going to be a pretext phone call attempted by Gemma Gedge to call Michael Champagne. We are in a small conference room in the investigations wing of the Brooks Building.

(Video ends at 9:29 a.m.)

BY MR. POWELL:

Q So, Detective Bray, is that your voice we just heard?

A That was.

Q And is that that call?

BRAY (D)

81

A Yes, it is.

Q It's now (indiscernible).

(Video plays at 9:29 a.m.)

MR. BRAY: Today's date is June 18th, 2019. By my watch, it's right at 3 p.m. in the afternoon. This is going to be a pretext phone call attempted by Gemma Gedge to call Michael Champagne. We are in a small conference room in the investigations wing of the Brooks Building.

Go ahead.

MS. GEDGE: Making the call.

MR. BRAY: Okay, put it up as loud as you can.

MS. GEDGE: Yeah.

MR. BRAY: The volume so that we can maybe hear what he's saying.

(Phone ringing)

THE DEFENDANT: Hello?

MS. GEDGE: Michael?

THE DEFENDANT: What?

MS. GEDGE: We need to talk. Please can I talk to you just one minute please can I just talk to you? Okay.

THE DEFENDANT: What?

MS. GEDGE: Michael, can you hear me?

THE DEFENDANT: Yeah.

MS. GEDGE: Matthew doesn't know I'm calling, okay?

All right, now you know how angry he is and what he wants to

98

747

MR. POWELL: What?

THE COURT: I assume this is going to be coming in through a witness on the stand?

MR. POWELL: Through this next witness, Judge.

THE COURT: So that we would need have the witness have the microphone on because there's not an FTR mic other than one at this time. So that would be the FTR mic through questioning and then they would have to turn it off --

MS. LANDERS: And then turn it back on?

THE COURT: And then, turn it back on if that's what's causing the feedback.

MS. LANDERS: Okay.

MR. POWELL: Okay. I think this should work fine. Okay, thank you all. I appreciate your time.

THE COURT: How many witnesses do you all have this afternoon?

MS. LANDERS: So we have one of Ms. Champagne that I did not expect to last the entire hour.

And then, Detective Bray is in the hallway. And his testimony includes the pretext phone call, which is 15 minutes. And I know we won't get through all of that.

So I don't know how the Court exactly to proceed if the Court is going to want to break a little bit early before we start playing the pretext phone call.

And then, start right up with that tomorrow or if

Court
Dilemma

← Tech Issues

748

you're going to want us to part of the pretext phone call. I think I'd prefer not to bring it up.

THE COURT: My inclination would be to wait until we get close to that time. If it's 5:30. If it's 4:30, and we can play a half an hour of the pretext call, I would rather do that. If it's 10 till or quarter till, I think that's a different analysis.

MS. LANDERS: Okay.

THE COURT: I would also be wondering if you all feel like we are on time with the witnesses as they are proceeding through with the amount of time you anticipated the trial taking.

MS. LANDERS: I do.

THE COURT: Okay.

MS. LANDERS: I feel like with the pace that we're at, we will finish our case tomorrow.

THE COURT: Thank you.

MR. THOMPSON: I agree.

THE COURT: Let's bring the jury back.

And Mr. Powell, are you calling the next witness?

MS. LANDERS: I am.

MR. POWELL: This is will be Ms. Landers.

THE COURT: Thank you.

MS. LANDERS: And then, Mr. Powell has the next witness after that.

A CHAMPAGNE (D)

647

1 about some other stuff.

2 Was there a time when he touched you on your front private
3 with his mouth or his tongue?

4 A I think so, yeah.

5 Q Okay, did that happen one time or more than one time?

6 A More than one.

7 Q And do you remember any of the places where that
8 happened?

9 A (Nonaudible response.)

10 Q You've told us about some stuff happening at your
11 house. Did that happen at your house?

12 A I think so.

13 Q Okay, can you think of any other places where it
14 happened?

15 A I think his house.

16 Q Okay, any other places?

17 A I don't know.

18 Q And when that would happen, would that be on -- would
19 your clothes be on or would you clothes be off?

20 A Sometimes a little bit of both.

21 Q Okay. Let's talk most -- let's talk specifically
22 about your body, like the part of you that usually has
23 underwear and pants. Would your underwear and pants be on or
24 off when that -- when the touching of his mouth on your front
25 private happened?

A CHAMPAGNE (D)

648

1 A A little bit of both sometimes.

2 Q I couldn't hear what you said, Avery?

3 A A little bit of both sometimes.

4 Q Okay, can you tell us what it felt like when that
5 happened to you?

6 A I don't know. That was a long time ago.

7 Q Okay. How long ago do you think it was? How old do
8 you think you were when this was happening?

9 A Like 8, 9.

10 Q So at least a year. Maybe even a little bit longer
11 than a year? Is that right? I need you to say it.

12 A Yeah.

13 Q Okay, do you remember us having a conversation with
14 Gemma with Olivia's mom about what was happening to you?

15 A Yes.

16 Q And who was there? Who was in that room when that
17 conversation was happening?

18 A Gemma and Matt -- Gemma and Matt and Olivia.

19 Q Okay, and when you were talking to Gemma, did you
20 tell Gemma some of the things that Michael had done to your
21 body?

22 A I think so.

23 Q How -- I'm going to -- I'm just going to ask you some
24 questions about how you're feeling, okay? How -- first of all,
25 how are you feeling right now? Are you feeling okay? Are you

A CHAMPAGNE (D)

645

1 Q Which one?

2 A I think both or so. I don't know.

3 Q Okay, so I want to talk a little bit about body
4 parts. Can you tell me what body part grandpa used or let's
5 put it this way. Can you tell me one of the body parts grandpa
6 used to touch you on your front private?

7 A His finger.

8 → I'm sorry, I can't? *Hear*

9 A Finger.

10 Q Okay, and how many times do you think that happened?
11 One time, more than one time?

12 A More than one time.

13 Q When he touched you on your front private with his
14 finger, did he touch you on the other outside of your clothes
15 or on the inside of your clothes?

16 A Inside.

17 Q And where were the places, like the buildings or
18 places where that happened, locations? Did it happen at your
19 house?

20 A A little bit.

21 Q Did you say a little bit?

22 A (Nonaudible response.)

23 Q Okay. Anywhere else?

24 A My house and I think his house.

25 → I can't hear you. *Hear*

A CHAMPAGNE (D)

646

1 A My house and I think his house.

2 Q Okay, any other places that you can think of?

3 A (Nonverbal response.)

4 Q I know. Did it happen at Gemma's house?

5 A I don't think so.

6 Q Okay, did you say I do think so or I don't think so?

7 A I don't think so.

8 Q Okay, were there any other parts of his body that he
9 touched you on your front private with?

10 A Yes.

11 Q And did he touch you on your front private with his
12 front private?

13 A I don't know.

14 Q Okay. Is that part especially hard to talk about?

15 A (Nonverbal response.)

16 Q Okay. When you say you don't know, do
17 you -- sometimes people say I don't know because they don't
18 want to talk about something and sometimes people say I don't
19 know because they don't know.

20 And I'm wondering which of those things it is for you
21 right now? Do you not know or do you not want to talk about
22 it?

23 A A little bit of both.

24 Q A little bit of both? Okay. Let's come -- I'm going
25 to come back to that in a little bit okay? We're going to talk

A CHAMPAGNE (D)

643

1 you sit on? Some kids call it butt, a bottom. What do you
2 think?

3 A Butte (BOO-TAY).

4 Q Butte, okay. And then, what do you call the part of
5 a girl's body is that covered by the top part of a bathing
6 suit? Some kids call it boobs, or chest, or something like
7 that.

8 A Chest.

9 Q Chest, okay. And then, a boy's front private, where
10 the pee comes out, is it okay if I call that like a boy
11 private?

12 A (Nonaudible response.)

13 Q Okay. So I want to talk to you about some touching
14 on your front private, Avery's front private. And did someone
15 touch you on your front private?

16 A Yes.

17 Q What -- what's the -- who is the person who touched
18 you on your front private?

19 A Is it okay if you can use suggestion, then I can say
20 the second one or the first one.

21 Yes → Avery, couldn't hear you. So I need you to say it a
22 little bit louder?

23 A Is it okay if you can use suggestions and I say like
24 the second one or the first one?

25 Q I want to talk a little bit about why. This is hard

A CHAMPAGNE (D)

644

1 thing for you talk about: Is that right? You're nodding your
2 head, but I need you to use your words.

3 A Yes.

4 Q I need for you to tell me what happened. I don't
5 want to tell you what happened. So let's -- let me ask it this
6 way. Is the person who touched you on your front private a
7 person who's in the room right now?

8 A Yes.

9 Q And when we were talking before, you actually wrote
10 it down. Do you remember writing it down?

11 A Yes.

12 Q Was it easier for you to write it down than to say it
13 out loud?

14 A Yes.

15 Q Okay. The word that you wrote down when you and I
16 were talking back when I was talking to you about coming and
17 testifying was grandpa.

18 Is that the person that touched you on your front private?

19 A Yes.

20 Q Okay, and is that person in the room here today?

21 A Yes.

22 Q So what part or what did grandpa use to touch you on
23 your front private? Did he use a part of his body? Did he use
24 a thing?

25 A Yes.

hearing

96

36

ALEXANDER (D)

607

Q I want to make sure that I get everything right and that I understand. So is there something that you're thinking of that you don't want to talk about or is there -- or are you just thinking that maybe there's something that you're not thinking of right now?

A I thought of something that I don't want to say.

Q I'm sorry?

A I thought of something that I don't want to say.

Q Okay, so there's something you don't want to say.

Does it involve touching?

A Yeah.

Q And, okay, so let's just wait and I'm going to move on and ask you some different questions. And maybe we'll come back to that okay, Olivia?

A Okay.

Q So let's talk a little bit about Avery?

A Okay.

Q And I had just asked you if you ever saw Grandpa Michael doing things to Avery. And I think you said yes?

A Uh-huh.

Q I want to talk about that, okay? I want to talk about what you saw with your own eyes. I don't want you to tell us anything that Avery told you what's happening. I just want to talk about you saw with your own eyes. Okay, can we do that? Say yes -- answer --

ALEXANDER (D)

608

A Yes.

Q Okay, perfect. So did you see the Defendant, your Grandpa Michael, touch Avery on her front part?

A Yeah.

Q And what part of his body did he use to touch Avery?

A His hand.

Q Okay. So his hand. How many times did you see Grandpa Michael touch Avery with his hand?

A Only once.

Q Do you remember where that was?

A I think -- I don't know. I don't remember.

Q Okay, anything -- did you see him touch her with any other part of his body?

A No.

Q Did you remember talking to Michaela about some touching of Avery's body with Grandpa's front part or Grandpa's boy part?

A Uh-huh.

Q I didn't hear that?

A Yeah.

Q I -- and I know that that's probably really, really hurtful and hard to talk about. Did you see that happen?

A No.

Q No? Where did you see Grandpa Michael touch, not body parts, but location, touch Avery?

✱

hearing

hearing

Here Olivia admits she never saw me have sexual intercourse with Avery ever - At the River or anywhere else

91

ALEXANDER (D)

605

1 A I don't know, I guess I got to the back seat. I
 2 don't know.
 3 Q Okay, what were you wearing?
 4 A I don't remember.
 5 Q When you got into the car, did you have your clothes
 6 on?
 7 A I don't remember.
 8 Q Okay. Is there anything else -- so you were in the
 9 backseat and it was in the car. Can you tell us what it felt
 10 like?
 11 A Weird.
 12 Q I couldn't hear that? *Heck*
 13 A Weird.
 14 Q Weird. I know, Olivia, is this hard for you to talk
 15 about?
 16 A Yeah.
 17 Q And does it feel really uncomfortable in Court to
 18 have do this?
 19 A Yeah.
 20 Q Okay. So you said it felt weird?
 21 A Uh-huh.
 22 Q Anything else that you remember about that? Do you
 23 know how it started? Did somebody tell somebody something?
 24 Did --
 25 A No. Wait, how the whole thing started?

ALEXANDER (D)

606

1 Q How the time in the car when there was licking, how
 2 that started?
 3 A I don't know.
 4 Q How old do you think you were when that time
 5 happened?
 6 A 7 or 8.
 7 Q I didn't hear that? *Heck*
 8 A 7 or 8.
 9 Q All right, so it's been a couple of years; is that
 10 what you think?
 11 A Yeah.
 12 Q Okay. Were there ever any times when you saw the
 13 Defendant, Grandpa Michael, doing things to Avery?
 14 A Yeah.
 15 Q And I'm going to ask you some questions about that,
 16 but I just want to before I move on to that subject, I want to
 17 make sure I under -- I ask you all of the questions I need to
 18 ask about what happened to your body.
 19 So we've talked about touching of your front private with
 20 his hand. And we talked about touching of your front part or
 21 your front private with his mouth. Any other touching of your
 22 front private that we haven't talked about?
 23 A I don't know.
 24 Q Okay, so you shrugged and said?
 25 A I don't know.

*Here Site doesn't know because the DA
 questioned her into saying something happened*

ALEXANDER (D)

599

1 Q And tell me as much as you can about that? Who was
2 in the car when it happened?

3 A Avery.

4 Q Avery. And you?

5 A And yeah.

6 Q Anybody else in the car?

7 A Grandpa.

8 Q I didn't hear that? *Hearing*

9 A Grandpa.

10 Q Okay, anybody else besides the three of you?

11 A Huh-unh.

12 Q And were you going somewhere? What was happening in
13 the car?

14 A We were doing to the farm.

15 Q Okay, and what were -- if you can tell us, what were
16 you -- what did you have on your body? What were you wearing?

17 A I had a T-shirt and some pants.

18 Q And did this -- when this touching happened, did it
19 happen over the clothes or under the clothes?

20 A Under.

21 Q Did it happen over the underwear or under the
22 underwear?

23 A Under.

24 Q Okay. One of the things that we haven't talked about
25 yet is the -- is that a girl's front part has an inside part

ALEXANDER (D)

600

1 and an outside part?

2 A Uh-huh.

3 Q And did this touching happen on the outside part of
4 your body or the inside part of your body?

5 A I don't know.

6 Q Okay. Maybe we'll talk a little bit more on about
7 that in a little bit. Any other places that you remember that
8 it happened?

9 A The farm.

10 Q The farm. And do you know how many times it happened
11 at the farm?

12 A Huh-unh.

13 Q Was it one time or more, excuse me, more than one
14 time?

15 A More.

16 Q More. Any other places that happened?

17 A My old house.

18 Q Your old house. And where is your old house?

19 A We demolished it.

20 Q And what -- like what part of the -- was it in a town
21 or?

22 A Same place we live in right now.

23 Q Okay, so you got like a new trailer?

24 A Uh-huh.

25 Q Okay, so it happened in your old trailer?

2

93

ALEXANDER (D)

595

1 A There was this mirror that what looks like it was a
2 mirror, but on the other side there's people watch it.

3 Q Okay, so there's a mirror to you, but a room behind
4 it?

5 A Uh-huh.

6 Q Yeah. And did -- and I think you said that there was
7 a person there named Michaela and she was really nice?

8 A Uh-huh.

9 Q So you were remember her?

10 A Uh-huh.

11 Q Okay. So now, I wanted to just it talk to you a
12 little bit about people's bodies. So we all can understand
13 what we're going to start talking about, okay?

14 A Uh-huh.

15 Q And I want to make sure that we all know when -- what
16 word you want to use to talk about --

17 A Uh-huh.

18 Q -- the things that we're going to talk about. So
19 when we're talking about the girls body, do you have a name
20 that you want to use to talk about the part of a girl's body
21 where the pee comes out?

22 A The front part of a girl.

23 Q Okay. Front part works for you?

24 A Uh-huh.

25 Q And then, do you have a -- what about a dry part?

ALEXANDER (D)

596

1 A A front part.

2 Q A front part for a boy, okay. What about the part
3 you sit on, what do you call that?

4 A A butt.

5 Q A butt. And what about the part on a girl's body
6 that's covered by her bathing suit top?

7 A Boobs.

8 Q Boobs? Okay. So we're going to start and I'm just
9 going to -- I just want to talk to you a little bit some of the
10 things that you told both your mom Gemma and Michaela about
11 grandpa touching you on your body?

12 A Uh-huh.

13 Q So can you -- first of all, can you just tell us did
14 -- was there some touching on your body?

15 A Uh-huh.

16 Q On a part of your body that is private?

17 A Uh-huh.

18 Q Who did that touching?

19 A Grandpa.

20 Q And so, you pointed and you said something, but I
21 can't think I heard you? *Hearin'*

22 A Grandpa.

23 Q Grandpa, okay. And what part of your body did he
24 touch?

25 A My front part.

535

1 THE COURT: Anything else before we go off the record
2 for the time being, folks?

3 MS. LANDERS: No, Your Honor.

4 MR. POWELL: Thank you, Judge.

5 THE COURT: Mr. Schmonsees?

6 MR. SCHMONSEES: No, Your Honor. Thank you.

7 THE COURT: All right, thank you.

8 (Recess at 9:27 a.m., recommencing at 9:43 a.m.)

9 THE COURT: All right, we are on the record. Thank
10 you for joining us again. We're going to have a little bit of
11 movement, so that we can maximize the seating in the back of
12 the courtroom for people that want to observe and maximize the
13 seating for our jurors.

14 → For the jurors, would you please raise your hand if
15 you have any issue with any hearing or with any vision, such
16 that it would be very helpful for you to be seated in the
17 actual jury box in the courtroom. Anyone have that issue?

18 All right, what I'm going to do then is I am going to
19 have one, two, three, four, five of you, is that right, Ms.
20 Chavez (phonetic), five?

21 UNIDENTIFIED SPEAKER: Yes.

22 THE COURT: Five of you I'm going to have move up to
23 our jury box. So I'm going to start with you, ma'am, in the
24 purple sweater in the front.

25 If you'll be so kind as to come up and take the seat

536

1 all the way to my left with that green piece of tape all the
2 way over here. You can cross in front of the jury box.
3 Exactly, thank you so much.

4 And then, sir, in the front row with the mixed shirt,
5 if you could come all the way and take that seat in the back?
6 There should be a tablet and a green piece of tape.

7 Ma'am, in the blue sweater right there, if you could
8 come and have that seat in the back. So if you just come all
9 the way across right there. Thank you.

10 Sir, in the black shirt, if you'll come up and join
11 us as well. I will have you take the seat right here in front
12 of the jury box with a green piece of tape.

13 UNIDENTIFIED SPEAKER: Front row.

14 THE COURT: Front row.

15 And, ma'am, in the gold sweater, if you'll join us
16 and take that seat right there with the green tape as well.
17 Thank you.

18 And then, sir, in the blue shirt, if you'll be so
19 kind as to come up to the front row of the jury box and just
20 take that seat right there. Exactly.

21 For those of you in the back of the courtroom, you
22 have wooden benches that are not terribly comfortable. You
23 should have found a seat cushion that you're now sitting on to
24 make you a little bit more comfortable.

25 Does anyone need a seat cushion? No. Okay, these

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1 seats where you're located at this time will be your seats for
2 the remainder of the trial.

3 UNIDENTIFIED SPEAKER: Your Honor, we still have a
4 juror in the far back.

5 THE COURT: Oh, my goodness, sir. Thank you very
6 much. Sir, if you'll come up and take that front row seat
7 right there. My apologies.

8 As I was saying the seats where you're located right
9 now will be your seats for the rest of the trial. If anyone
10 believes during the trial that they're having a problem seeing
11 or hearing or anything like that, and some movement in the
12 courtroom would be helpful, we can work with that.

13 At this time, I will have you all rise to be sworn as
14 this jury. Please raise your right hand.

15 (The jury is sworn.)

16 THE COURT: Please be seated. Members of the jury, I
17 will now explain some of the rules that apply during a trial.
18 There are eight stages to most trials and I will briefly
19 explain each of those stages.

20 The first is jury selection. We have just completed
21 that yesterday.

22 The next is the explanation of the general rules.
23 And that's what I'm doing right now.

24 That's followed by the opening statements, where the
25 attorneys will summarize what they expect the evidence to be,

Hearing

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1 followed by the presentation of the evidence when the witness
2 and the exhibit is -- exhibits are presented to you.

3 Then the jury instruction when I will explain to you
4 the law that applies to the particular charges in the case.
5 And that will include explaining what the State must prove
6 beyond a reasonable doubt for a guilty verdict.

7 You will receive a printed copy of those
8 instructions. That's followed by the closing arguments where
9 the attorneys will have the opportunity to persuade you how to
10 decide the case.

11 Then your deliberations, when you will go back to a
12 jury room, which will actually be here in the courtroom. This
13 will be your jury room, where you will decide whether the State
14 has proven the Defendant guilty or the Defendant is not guilty.
15 Then, you will return to the courtroom for the return of your
16 verdict.

17 In this process, you have two major roles. The first
18 is to determine, based on the evidence, what really happened.
19 We call that -- this deciding the facts.

20 The second major rule consists of deciding if in
21 light of the law as I explain it to you and what you decide the
22 facts are the Defendant is guilty of a crime.

23 In performing your roles, you must of course be fair
24 and impartial. You must not allow -- you must follow the law
25 -- let me read that sentence again. My apologies.

Dowdy Juror

473

1 about people who hurt kids. What was it that you said?

2 PROSPECTIVE JUROR: Anybody that hurts a child.

3 MR. POWELL: Anybody hurts a child. And you haven't
4 heard any evidence, right?

5 PROSPECTIVE JUROR: No, just the (indiscernible).

6 MR. POWELL: So are you willing to withhold your
7 judgment as to this Defendant and what's alleged here until you
8 the evidence until the end of the trial after the State's
9 presented its case and the Defense if it chooses to present
10 (indiscernible)?

11 PROSPECTIVE JUROR: I already have a preconceived
12 notion about people that hurt children. So it would be hard
13 for me to be impartial.

14 MR. POWELL: Okay. All right, no objection.

15 THE COURT: Ms. Colten, thank you for your
16 participation. I'm going to excuse you from the jury panel. *A*
17 You can leave your badge right there on the bench right where
18 you're seated. And you're free to go.

19 PROSPECTIVE JUROR: Thank you.

20 MR. SCHMONSEES: And then Ms. Dowdy, can you chat a
21 little bit about your concerns? Are you able to hear me?

22 PROSPECTIVE JUROR: Yes.

23 MR. SCHMONSEES: Do you think that you can be fair
24 and impartial in this case?

25 PROSPECTIVE JUROR: No.

474

1 MR. SCHMONSEES: Okay, are you comfortable explaining
2 why or would you -- maybe we can give you a more private.

3 PROSPECTIVE JUROR: I can't hear you. ←

4 MR. SCHMONSEES: You can't hear me? Okay. ← you
5 tell me why you don't think you can be fair and impartial?

6 PROSPECTIVE JUROR: I was abused.

7 MR. SCHMONSEES: Okay, and that is triggering for
8 you?

9 PROSPECTIVE JUROR: Excuse me?

10 MR. SCHMONSEES: Is that triggering for you? Is that
11 reminding you --

12 PROSPECTIVE JUROR: Yes.

13 MR. SCHMONSEES: Okay, then I'm not going to ask you
14 any other questions about that.

15 Your Honor, I challenge for cause.

16 THE COURT: Ms. -- Mr. Powell?

17 MR. POWELL: No objection.

18 THE COURT: Ms. Dowdy, thank you for your
19 participation. I'm going to excuse you from the panel. You
20 can just leave your badge right on the chair where you're
21 seated and you're free to go. *A*

22 MR. SCHMONSEES: And then, Mr. Welch, you also had
23 your hand up?

24 THE COURT: Ma'am?

25 PROSPECTIVE JUROR: Yes.

Mr Welch ↑

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469

1 You guys all been sitting next door since about noon?

2 Okay, well, hopefully, this is a little more interesting.

3 → Can everyone hear me okay? ←

4 → PROSPECTIVE JUROR: No. ←

5 MR. SCHMONSEES: No? Okay, I'm going to speak a
6 little bit louder. Let me know if that's -- is that amplified?
7 Okay. Is that too loud?

8 Okay, all right, well, if you don't hear my voice,
9 and this is going to go for all attorneys and if you're on the
10 jury all parties, you need to let us know.

11 You actually, if you're a member of the jury, you are
12 going to be sitting just where you are right now. And there's
13 going to be a witness up at the witness stand, which is about
14 40 feet away from where you are and sometimes people couldn't
15 hear.

16 So it's real important that you are hear because are
17 the deciders of fact. You guys are the boss, so to speak, at
18 least in terms of what the facts are, okay?

19 We had a couple hands raised about concerns with this
20 type of charge, the allegations with sexual abuse of a child.

21 And there were two folks who raised their hand.
22 Could you remind who you were? Okay, three folks actually, all
23 right.

24 And just really quick, the law requires that jurors
25 try a case fairly and impartially, whatever that means.

470

1 That just means that you're not bringing in your
2 prior experiences, that you're not going to be treated
3 emotionally if you're own victim of abuse or a family member
4 was a victim of abuse.

5 I've been talking the analogy today about in a DUI
6 trial, if you ask to be a juror and in the past, you had
7 injured in a DUI accident, you probably wouldn't be a good
8 juror for a DUI because you're going to trigger and flash back
9 to that event.

10 And it would be too emotional for you. And you
11 wouldn't be able to just try the case on the evidence
12 presented.

13 Evidence presented is going to be witnesses taking an
14 oath to tell the truth on the witness stand whether it be a
15 child, or a doctor, a social worker, or a teacher, or the
16 Defendant, okay?

17 So knowing that, is there anybody who feels like they
18 can't be fair and impartial regarding just this type of charge?

19 All right, can you tell me more about that?

20 PROSPECTIVE JUROR: (Indiscernible.) And I come from
21 a law enforcement family. My dad's been a detective for years
22 and my brother is a detective currently. And my dad is a P.I.
23 after work and I helped him with (indiscernible).

24 MR. SCHMONSEES: Okay. So you mentioned that kind of
25 personal history there. The first part is probably what

98

451

1 PROSPECTIVE JUROR: (Indiscernible.) I like to see
2 faces. I'd already mentioned that. I don't like the masks. I
3 like to see an expression. I like the --

4 MS. LANDERS: Do you think that if the decision is
5 that witnesses are going to be wearing masks, that that's a
6 barrier for you?

7 PROSPECTIVE JUROR: They are going to be wearing
8 masks?

9 MS. LANDERS: Yeah, is that a barrier for you that
10 you can't --

11 PROSPECTIVE JUROR: Probably not, but --

12 MS. LANDERS: Okay. So it's a preference, but it's
13 not a requirement?

14 PROSPECTIVE JUROR: Preference, agree.

15 MS. LANDERS: Okay. I think that's probably
16 everybody's preference really. I mean, this whole mask thing
17 makes it very hard to interact like human beings.

18 PROSPECTIVE JUROR: I have a question. Are we going
19 to be out here?

20 MS. LANDERS: Yeah.

21 PROSPECTIVE JUROR: So they're going to be way out
22 there?

23 MS. LANDERS: Yes, and that's another issue. And I
24 actually did want to ask is there anybody who has hearing
25 issues that might require us to get you additional technology?

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1 PROSPECTIVE JUROR: (Indiscernible) some things, but
2 I have a hard time (indiscernible). Sometimes your words drop
3 off (indiscernible).

4 MS. LANDERS: Maybe this will help.

5 PROSPECTIVE JUROR: And so my hearing is --

6 MS. LANDERS: No? Hello?

7 PROSPECTIVE JUROR: (Indiscernible.)

8 MS. LANDERS: Yes, the -- well, like I said, we're
9 not sure.

10 PROSPECTIVE JUROR: I mean, (indiscernible).

11 MS. LANDERS: Yes, the witness will have a
12 microphone. Is this better?

13 PROSPECTIVE JUROR: Yeah, the closest it is to your
14 mouth --

15 MS. LANDERS: Okay, I'll just hold on to it.

16 PROSPECTIVE JUROR: And that's (indiscernible)
17 witnesses (indiscernible) can't hear everything, then we just
18 got to guess because they're not going to do it twice.

19 MS. LANDERS: Don't guess. Let us know.

20 PROSPECTIVE JUROR: So you'll ask them again?

21 MS. LANDERS: We'll have to.

22 PROSPECTIVE JUROR: So --

23 MS. LANDERS: I mean, whoever ends up as a juror in
24 this case has to be able to hear the testimony. We will be
25 working hard to make sure that that happens. Okay.

Exhibit 1 ★

679-681

Babysitting

D.A.: Ok, but in the first conversation you did bring up things going on inside the vagina?

Gemma: Yeah

D.A.: Did you specify it would have been fingers, penis, any other part?

Gemma: No, no. It was just such a horrible thing. I don't want to get into detail. I mean, what they told me was enough. Yeah, so I didn't get no details.

D.A.: Ok, and when you were told that he licked them, did they use the word licked or was there a different word, if you can remember?

Gemma: It was licked, definitely. It was my son Stryker. He came to me saying he punched grandpa in the stomach, because grandpa got the girls to go in the bedroom and get naked or get a blanket around them. He said get, tell them to wait in the front room for us. (Who is us?) And he got my son who had the baby. The baby's sitting, watching porno in the front room and he made him strip off naked, and my son had to get naked sitting there. (The baby was one year old. He would be an infant in diapers.) And then Stryker goes, I don't know what grandpa did after that. He told me to go to my room and I wasn't allowed out after that.

D. A.: Ok

Gemma: And so he went to his room and obviously, I got it out of Olivia and I said, you know what happened in this incident with this and Stryker says he doesn't know what happened afterwards. And I asked Ashton and Ashton said he didn't dare look. He just was, had his eyes closed and was looking forward. And Olivia goes, he licked us, mommy. He licked us. And she had this icky face on, ew, and so like he licked us. Why did he lick us?

Jury Trial District Attorney page 604 exhibit 1

D. A.: What about when he licked you or touched you with his mouth. Did that happen in one place or more than one place?

Olivia: One place.

D. A.: And what was the one place that that happened?

Olivia: His car

Grand Jury page 21-22 Exhibit 2

Juror: Did Avery tell you anything about him licking her?

Gemma: No

51-B

Grand Jury page 27 Exhibit 3

Juror: So, on your initial conversation with Avery where she said he was inside of her, and that it was with his thing ...

Gemma: Yeah

Juror: Did she tell you that time about any other acts that he had done, about touching her with his hands or about licking her or any other things?

Gemma: No ←

Ashton's CARE's Interview Exhibit 5

CARE's: Does someone ever want you to be naked when you don't want to be?

Ashton: No

Stryker Jury Trial page 733 Exhibit 6 First Babysitting Incident *Pool*

Powell: Do you remember a time where grandpa babysat you?

Stryker: Yeah

Powell: Did anything make you feel uncomfortable during that time?

Stryker: Yeah

Powell: What happened?

Stryker: He made us watch shows like Big Mouth and stuff.

Powell: Called what?

Stryker: Like Big Mouth and I think maybe love

Powell: Ok, when that was happening, who all was there?

Stryker: Ashton, Olivia and Avery, sometimes

Powell: Did that happen one time or more than one time?

Stryker: Twice

Powell: Oh, go ahead

Stryker: The girls were just wrapped around in a blanket, naked.

Powell: How did you know that?

Stryker: Because when I went out there they like had no clothes on and then the like blanket dropped and I just walked back to my room.

Powell: Did anything else happen on the first occasion before we get to the second time that he babysat?

Stryker: No

Stryker Jury Trial page 736 Exhibit 7 Second Babysitting Incident

Powell: And who was all in the room that time?

Stryker: Olivia and Avery, I think.

Powell: Ok, do you remember if Ashton was there?

Stryker: I don't think so

Powell: Do you remember what you were wearing?

Stryker: No

Powell: Do you remember what Avery was wearing?

Stryker: No

51-C

Powell: How about what grandpa was wearing?
Stryker: Probably like some jeans, a shirt
Powell: Regular clothes
Stryker: Yeah
Powell: Did anything else happen that day that made you feel uncomfortable?
Stryker: No (Note: Stryker never said the girls were naked)

FALSE STATEMENTS BY GEMMA GEDGE EXHIBIT 1

She said I made Stryker go to his room.

She said I made the one year old get naked.

She said I made Ashton get naked.

She said I had the girls go get naked.

She said Olivia said I licked her.

On the second babysitting incident, Stryker never said the girls were naked. *Perjury 6*

Videos from Ashton's CARE's interview.

GEMMA GEDGE GRAND JURY BABYSITTING PAGES 22-26 EXHIBIT 2 ★

Gemma: There was this other incident where Stryker said that they, he was babysitting all the kids.

Juror: He, being Michael?

Gemma: Michael. Babysitting all of our kids. Avery is one of the kids and he made Ashton sit in the front room with the baby and watch the baby. He made Olivia and Avery go into the bedroom and strip down naked and come back out with towels. He told them to get towels on and wait for them in the front room. Avery and Olivia sat in the front room and waited for him. He asks Stryker to sit down and Stryker goes, no, I'm not. What are you doing grandpa and he goes, just be quiet and get in your room and Stryker went to his room and he said, I don't know what happened after that, grandpa, I mean, Gemma. But that's all I know, is this is exactly, so word for word, is what he said to me, is what grandpa made the girls go and sit in the front room and wait for him. He made Ashton sit down. So after this, Stryker went. So I spoke to Ashton and he put on porn on the ...

Juror: He, being?

Gemma: Michael Champagne, yeah, Michael Champagne put on pornography. Sex Hub. No, Pornhub.

Juror: This is what Ashton had said?

Gemma: Yes, yeah but yeah. He's eleven, made him sit in the living room to babysit the baby and made him watch this while he did things to the girls.

Juror: Ok

Gemma: And Ashton said that, yeah, he made me sit there with the baby and watch TV but I don't know what he was doing behind. And I spoke to the girls and he was licking on them and playing with them and stuff.

Juror: Ok, so when you say you spoke to the girls, what did – we, we have to know what ...

Gemma: Exactly

Juror: So what did Olivia say he did that time with her?

Gemma: Every time I spoke to Olivia, she said always, it was Avery first, and then after awhile, when I, when I said to her, its ok. Everything's fine, you know and I, I showed her that, you know, this is, I, I'm not upset. I didn't want to show her I was upset. And when she realized that I was, you know, taking it all in stride, then she started saying it was done to her and she was all like, I didn't like it. It was – it—I don't know why he wanted to, but he was—he—he licked on us. He licked on us.

Juror: And did she tell you what part he licked?

Gemma: Yeah, down there, she said.

Juror: And was she ... you—you just

Gemma: Yeah
 Juror: For the ...
 Gemma: Private
 Juror: You just gestured to ...
 Gemma: Vagina
 Juror: Your ...
 Gemma: To her, vagina, yeah
 Juror: And that's what she gestured to you?
 Gemma: Yes, that she
 Juror: Ok
 Gemma: Yeah and – and
 Juror: Ok and ...
 Gemma: Yeah
 Juror: Did Avery say that – so about that time in the living room, did Avery ...
 What did Avery say he did to her?
 Gemma: He – she just said that he – he — he – that he touched her.
 Juror: Ok
 Gemma: And that he – he – he – she goes, cause he – she – he touched me.
 Juror: And then she pointed at her ...
 Gemma: Yeah
 Juror: Vaginal area?
 Gemma: Hmm – hmm yeah

FALSE STATEMENTS BY GEMMA GEDGE EXHIBIT 2

Gemma said Ashton watched the baby. *ON RECORD ASHTON WATCHED THE BABY ONCE*
 She said I made Olivia get naked and put on a towel.
 She said I made Avery get naked and put on a towel.
 She said I made Stryker go to his room.
 Gemma said I put on pornography. She knew of Sex Hub, then she said I put on
 Pornhub.
 She said I was licking Olivia.
 She said I was licking Avery.
 She then changed her story and said I touched Avery on her vagina. *Perjury 8*

Olivia Alexander Jury Trial Page 604 Exhibit 1

D. A.: What about when he licked you or touched you with his mouth. Did it happen one place or more than one place?

Olivia: One place

D. A.: And what was the one place that happened?

Olivia: His car NOT HER HOUSE Like Gemma described

Avery Champagne Interview Page 645 Exhibit 2

The District Attorney asked Avery if any abuse happened at Gemma's house:

D. A.: I know, did it happen at Gemma's house?

Avery: I don't think so!

Ashton Alexander CARE's Interview/Video Exhibit 3

Grand Jury Exhibit 4

Juror: So, on your initial conversation with Avery, did she tell you about him Touching her with his hands or about licking her?

Gemma: No

Ashton Alexander CARE's Interview/Video Exhibit 5

Ashton said in his CARE's interview, that grandpa babysat twice. Once he had the baby while babysitting. The other time, Gemma was at the hospital giving birth. Gemma testified that the baby was present both times.

GRAND JURY TESTIMONY BABYSITTING Page 23 EXHIBIT 3 ★

Gemma: My son came to me a couple days ago and said grandpa told the girls to go in the bedroom and get naked, come back out with a towel or blanket wrapped around them and he told me I had to go in my bedroom. I wasn't allowed to stay in the living room.

Juror: You're talking about Ashton?

Gemma: Stryker told me this and Stryker said he went in the bedroom and didn't know what happened so I spoke to Olivia and I said, what happened? And she said, well Avery got naked and got a towel around her and he told her to go in the front room and wait for him. He tried to get me to do it, but I said no. I didn't want to. And I said, well where did you go? And she said I went in the bedroom. But then when I told her about the lie detector thing, she ended up telling me that she did do it, too. And they went in the living room. But I couldn't ask her why he was in my house. my livingroom while he was baby sitting.

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GRAND JURY TESTIMONY

Page 32

EXHIBIT 4

★

Gemma: And so I'm at the river. The kids are having a blast. So I just, you know, I just said I had enough. I, I want to go now. Well, the girls were on a raft and they were going downstream. And I said, I'm going to go, were going to go now. I think I'm going to wrap up the kids and go. Well, he went downstream to get the girls and he brought them up. I'm, I'm watching. I'm standing and in the distance I can see them coming up on the raft. He's got his arms around the girls and he's like this and they're like this and they are coming up on the raft and they are coming and I'm fine so I'm starting to pack up things to go, thinking surely nothing is going to happen in this moment. I'm right here, you know, but when I, when I ... we get home and, and, and I obviously bring it all out of the water and everything. Later on, a couple of days later after all this information is coming in, Olivia tells me that on the raft when they were coming up, he had his fingers inside them.

Juror: Ok, and when you say, fingers inside of them, where did she say this?

Gemma: In the vagina, yeah, and playing, messing with them. Playing with them.

Juror: Ok, and did you say his fingers were actually inside her vagina?

Gemma: Yeah, he was. She said they were in that, he was inside me.

Juror: Ok

Gemma: I was like, oh my God. Like, I was right there.

FALSE STATEMENTS BY GEMMA GEDGE

Gemma said I had my fingers in Olivia's vagina.

Gemma said I had my fingers in Avery's vagina.

Gemma said I pushed them up river.

Gemma said I had my arms around the girls.

EXHIBIT 1:

Video showing another man pulling them back up river.

Juror: Did Avery tell you about any touching that happened at the river?

Gemma: No

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JURY TRIAL TESTIMONY PAGE 710 EXHIBIT 5 ☆

Attorney: Ok, you could see the children swimming?

Gemma: At this point, there was an incident where the girls went downstream on a floaty, and I was going to go get them, but then the baby, and so Michael went to go get them.

Attorney: Ok

Gemma: And when he went to go get them, it was in that moment, were my son said to me, I'm pretty sure he's probably touching them right now, and at that point is where I left, we ...

Attorney: Yeah

Gemma: I grabbed the girls, I grabbed everyone and I went home.

53-A

Ashton CARE's Interview Page 20-21 Exhibit 1

Ashton: We went back and then, well my mom and we were all hanging out. Everything was fine and then, well, the girls drifted upriver on a floaty, but Then grandpa went and got them.

McKayla: Ok

Ashton: And, ah, he ended up playing with them while they were down there.

McKayla: Ok

Ashton: Trying to get them back and then ...

McKayla: Mmmhmm

Ashton: Well, yeah

McKayla: He ended up playing with them?

Ashton: I don't know how

McKayla: Oh, ok

Ashton: But ...

McKayla: Ok, I'm just making sure that I understand what you were, like, what words..

Ashton: Well, my mom ...

McKayla: ..you were using

Ashton: ..said that he was messing with them and stuff.

McKayla: Oh, ok, so she said ...

Ashton: Yeah

McKayla: ..said that? Ok, and where were you when this was happening?

Ashton: Back with mom and Stryker finding more clay.

EXHIBIT 1

1. Video showing another man pulling them back up river.

EXHIBIT 3

2. This is a different story than Gemma told verses the first one where she says Michael had his fingers in the girls.

EXHIBIT 4

3. Gemma lied and said Ashton said Michael was "messaging with the girls" when actually Ashton tells the truth that show Gemma lied under oath.

JURY TRIAL TESTIMONY EXHIBIT 6 ★

Gemma: The girls were on a floaty device. This was actually a river trip where the Boys said in the car, there were things on the way there, because I was confused, why he was grabby with the girls, like come get in my car, and he didn't want us to come in the first place anyway.

D. A.: And who's "us"?

Gemma: Me and the boys. Me, Stryker and Ashton. He just wanted to come get the girls and go with the girls, and then the boys wanted to go, but he didn't want to take them, and I said, well, then I'll go so the boys can go, and yeah, yeah, yeah, and yeah, sorry.

Avery CARE's Interview Exhibit 1

CARE's: Ok, who was in which car?

Avery: Because grandpa picked me up to go to the river, but he said, it's your decision. Do you want Stryker, Libby, Ashton and Gemma to go, and I said, yeah. And then we went to their house and Gemma wanted to go so I let her go.

CARE's: And how did grandpa react when Gemma wanted to go?

Avery: He was happy.

DETECTIVE BRAY INTERVIEW WITH GEMMA EXHIBIT 7 ★

Bray: So, what did, being that Avery made a disclosure. Firsst, what did Avery state to you that Michael was doing to her?

Gemma: She said that he had entered her with his fingers.

Bray: Mmmhmm

Gemma: He rubbed his penis on the outside of her vagina.

Bray: Ok, so ...

Gemma: Ok, yeah, so yeah, she said ...

Bray: Using his fingers?

Gemma: Yeah

Bray: Using his penis?
Gemma: And penis
Bray: And what else?
Gemma: And he's licked them.

GRAND JURY INTERVIEW EXHIBIT 1

Juror: So on your initial conversation with Avery, where she said he was inside of her and that it was his thing
Gemma: Yeah
Juror: Did she tell you that time about any other acts that he had done? About touching her with his hand or about licking her or any other things?
Gemma: No
Inconsistent with statements made to Detective Bray.

GEMMA'S LIES TO BOTH JURYS PAGE 689 EXHIBIT 8 ★

D. A.: Before making the phone call (pretext phone call) did you and Detective Bray sort of talk about things that you might want to bring up with Mr. Champagne?
Gemma: No, the only thing that Detective Bray said to me was to ...
D. A.: Wait!
Gemma: Oh yeah, I'm not allowed. My bad. No. He didn't.
D. A.: So your answer is, no.
Gemma: No

NOTE: Gemma lied to the juries as did the D. A.

PROOF OF FALSE TESTIMONY TO THE JURY PAGE 74 EXHIBIT 1

Bray: So, Gemma and I, we discussed kind of the, kind of what we were looking to talk about and some kind of, some suggestive topics, and she actually did really well, got pretty convincing and she got very animated on the phone, as you may or may not know, she is very animated when she explains something. So we just kind of let her go. It was as if there was questions we thought she could insert into her conversation. We would kind of mouth them to her or write it down on a piece of paper. (Concerning pretext phone call)

NOTE: Gemma said "No" to the question of did she talk with Detective Bray about the questions she would ask Mr. Champagne during the pretext conversation.

ADD → the D.A. interrupted her response, wait and reminded her to only say no!

The D. A. interrupted her response, "Wait!" and reminded her to only answer "No".

Olivia's CARE's Interview Exhibit 10



CARE's: Avery, me, ok. (Referring to drawing) So tell me about the touching That happened at this time.

Olivia: I need that.

CARE's: Ok, so tell me, how about you draw me what happened to you. So who's who?

Olivia: (no response)

CARE's: So grandpa and you, ok, then I remember you drew finger in pee pee, so how was your body when this happened?

Olivia: (no response)

CARE's: You felt scared?

Olivia: Mmmhmm

CARE's: Ok, Ok, and were you very scared and were you laying down or sitting up or standing or something else?

Olivia: (no response)

CARE's: Oh, in the water. Ok, where was grandpa?

Olivia: (no response)

CARE's: In the water too. Ok, so you were both in the water. And what were you wearing? Tell... ok, so you said you had nothing on?

Olivia: (no response)

CARE's: Ok, I saw you nod your head. What was grandpa wearing? T shirt, ok. I'm having a hard time seeing you. I'm like completely bent over. May I sit on the ground?

Olivia: (no response)

CARE's: Ok, that way I could see you better. Ok, and so you were both in the Water and he had a t shirt on and you had nothing. Ok and ..

Olivia:

CARE's: Hmmm, you and Avery had nothing on, ok.

Olivia:

CARE's: And while you guys, while you were in the river, where was Stryker and Ashton? In the water, ok. I saw you nod your head, ok.

Olivia: But they were playing somewhere else, by the clay.

CARE's: By the clay, ok. Can we maybe sit over here so I don't have to look under the table?

Olivia: (no response)

CARE's: I see you moving the pen, but I don't know what that means. Ok, ok, and And what did the finger do?

Olivia: (no response)

CARE's: Ok, is that what the finger was doing? Or are you showing me something else?

Olivia: Finger
 CARE's: Finger, so his finger was going like that?
 Olivia: (no response)
 CARE's: Ok, did anything go inside your body?
 Olivia: (no response)
 CARE's: 12 → Hot dog, Avery, but did anything go inside your body?
 Olivia: (no response)
 CARE's: 12 → Oh, finger went inside. How did that feel in your body?
 Olivia:
 CARE's: I see you curled up in a ball, like this, yeah. What's going through your mind right now?
 Olivia: I want my mom.
 CARE's: You want your mom, ok. How come you want your mom?
 Olivia: So I can tell her what I say to her and she can tell, say to you
 CARE's: Did something else touch pee pee?
 Olivia: Avery
 CARE's: 12 → What with Avery? So hot dog in pee pee, ok. Did you see it with your own eyes or did somebody tell you?
 Olivia: Avery told me.
 CARE's: 12 → Oh, Avery told you. Have you seen it happen with your own eyes?
 Olivia: No

JURY TRIAL OLIVIA PAGE 601, 607, 608

D. A.: So we talked about the car, the farm, and your house. Any other places where there was touching with his hand on your front part?
 Olivia: No! I don't think so!
 (does not mention the "river story")
 D. A.: So did you see the defendant, grandpa Michael, touch Avery on her front part?
 Olivia: Yeah
 D. A.: And what part of his body did he use to touch her?
 Olivia: His hand
 D. A.: 11 → Ok, so his hand. How many times did you see grandpa Michael touch Avery with his hand?
 Olivia: 11 → Only once
 D. A.: 11 → Did you see him touch her with any other part of his body?
 Olivia: 11 → No
 D. A.: 11 → Did you remember telling McKayla about some touching of Avery's body with grandpa's front part or grandpa's boy part?
 Olivia: Uh huh
 D. A.: 11 → I, and I know that that's probably really, really hurtful and hard to talk about. Did you see that happen?
 Olivia: 11 → NO!

JURY TRIAL GEMMA PAGE 677

Gemma: He's made Olivia watch the many things he's done to Avery. ★ EXHIBIT 11

CARE's INTERVIEW ASHTON EXHIBIT 1 (Third part of Exhibit 10)

CARE's: So, tell me about what you know that happened?

Ashton: I went over to grandpa, and the girls. They were in the water. Yes, grandpa and then he was, like disgusting. That's basically everything and stuff.

CARE's: Ok, so grandpa and the girls were in the water.

Ashton: Only the girls were naked. Not him.

CARE's: How did you know they were naked?

Ashton: And so I walked over and grandpa told me, and then I, they were naked when I walked over so I just left and went back to Stryker.

JURY TRIAL PAGE 726 EXHIBIT 2

Ashton: He took us to the river, where there was clay in the river, you know. Livy, maybe Avery, but definitely Livy was there and was naked in the water and Michael said you could look inside. I'm like, no, and I turned away.

D. A.: I know it's a difficult question, but what was he doing that made you say Ew, and turn away?

Ashton: Saying you can look inside and yeah ...

GRAND JURY PAGE 30 EXHIBIT 3

Juror: Did she, Avery tell you about any touching that happened at the river?

Gemma: No

CARE's INTERVIEW STRYKER EXHIBIT 4

Stryker: Skinny dipping only happened one time. The girls were by themselves and grandpa was on the shore. There were lots of people around but none of them said anything about the skinning dipping.

GEMMA LIES TO THE JURY PAGE 677 ★ EXHIBIT 12

Gemma: I've been told by the girls that he put his penis inside Olivia, Avery's vagina. He's done that with his fingers, inside Olivia, at the same time.

11-AND-12 ARE PROVEN IN EXHIBIT 10

GRAND JURY TESTIMONY GEMMA EXHIBIT 15 ★

Juror: Do you live together?

Gemma: Well, due to, I, I met him caring for his sick wife. When she passed, me and Matt got together. But he has anger issues. He hurts a lot from life hurting him. And, and he has some problems so we don't live together. He has his own place.

INTERVIEW WITH DETECTIVE BRAY JUNE 18, 2019 EXHIBIT 1

Bray: Who else lives with you besides your boyfriend and Olivia?

Gemma: He's not actually registered here. He has his mail come here, but he sleeps at His brother's house or his dad's or not his dad's, but his mother's house and he, he kind of couch surfs.

Bray: Matthew does?

Gemma: Yeah, Matthew does.

BRAY INTERVIEW WITH MATTHEW CHAMPAGNE EXHIBIT 2

Bray: How long have you and Gemma lived together?

Matthew: You know, I pretty much use her address as my mailing address. I'm back and forth between my mom's and my brother's house. I really wouldn't say I live there.

Note: Gemma lied to the Grand Jury.

GRAND JURY GEMMA EXHIBIT 16 ★

Juror: Ok, you have indicated you have Avery quite a lot?

Gemma: Oh, a lot, yeah. I would probably say 90% of the time.

Juror: Ok, does she come over after school?

Gemma: Pretty much, yeah.

Juror: Ok

Gemma: Comes over after school, stays all weekend, yeah.

Juror: Ok

Gemma: Things like that, yeah.

Note: Avery lives 12 miles away from Gemma's house. Avery lives in Oregon City. Gemma lives in Canby. Gemma is saying she has Avery 27 out of 30 days every month. How would Avery be at her house so often and how would Avery get there after school. Gemma committed perjury in her testimony.

Juror: And prior to all this coming up, what was your relationship with Michael?

Gemma: A little iffy. He's very rude. He's dirty minded. And I know its tough for the family because he is this ... if the, if none of this was true, he is the perfect grandfather and father. He's fishing and camping and going on hikes and walks and adventures and, you know, all this stuff, you know. And he'll come

around and fix things in the house and fix bikes for the neighborhood kids and stuff. You know, so it would be nice to say it ain't true, you know.

EXHIBIT 17 ★

Ashton said his sister experienced past violence in their home with their biological father. He has also concerns about Matthew and his mother having violence between them.

BRAY INTERVIEW PAGE 43

Bray: Has he ever been physical with you?

Gemma: No, he's never physical with any of us. He just gets verbal.

criminal case, reports of other allegations of sex abuse, and unfounded allegations. In addition, it is common for the file to contain a psychological evaluation of one or both of the parents of the alleged victim involved in the case and such evaluation will generally include statements by the person being evaluated as well as test results and opinions by the psychologist reflecting on the credibility of the person being evaluated and the ability of the person to accurately perceive and relate their experiences. The files may also include the statements of others who could be potential witnesses in the pending criminal case. Based on a review of the police reports and other evidence in this case, defendant believes those witnesses could include: Gemma Gedge, Matthew Champagne, Olivia Alexander, Avery Champagne and/or Ms. Gedge's ex-husband, the father of Olivia Alexander.

From my investigation, I further believe that the evidence be found within that file may include, but is not limited to: contradictory statements regarding the allegations involved in the criminal case, reports of other allegations of sex abuse of the alleged victims, prior unfounded allegations of abuse, and prior reports of abuse by individuals other than the defendant.

Defendant bases the above beliefs on the following facts discovered in the police reports reviewed:

Exhibit 18

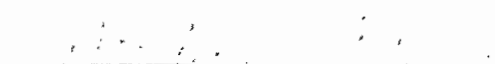
- DHS received 4 reports during 2019 regarding the family of Olivia Alexander, all concerning threats or harm by Matthew Champagne. 2 of these reports are currently being assessed and pending. 2 were closed at screening.
- DHS also received 4 reports during 2018 regarding the family of Olivia Alexander, also all concerning threats or harm by Matthew Champagne.
- Between 1986 and 2017, there were 23 reports to DHS regarding Gemma Gedge and Matthew Champagne, "for various reasons."

Page 3 of 4 – Memorandum in Support of Motion to Compel Discovery of DHS Records

CONCLUSION

For the above substantial and compelling reasons, this court should GRANT defendant's Motion to Compel Discovery of DHS records pertaining to Olivia Alexander after conducting an in camera review.

DATED:



Michael Champagne,
Defendant, *pro se*

POINTS AND AUTHORITIES:

Children's Services Division—or Department of Human Resources, Community Health Services, Child Welfare Program, as it is now known—files often contain witness statements and information of an exculpatory nature or which may lead to exculpatory information. All of those matters should be disclosed to the defendant after an in camera hearing. ORS 135.805 *et seq*; State v. Warren, 304 Or 428 (1987); State v. Johns, 44 Or App 421 (1980).

State v. Graville, 304 Or 424, 746 P2d 715 (1987). “The United States Supreme Court has recently considered the requirements of due process with regard to confidential government files in Pennsylvania v. Ritchie, 480 U.S. 39, 107 S.Ct. 989, 94 LEd2d 40 (1987). The court held that the trial court should conduct an in camera review of the files compiled and maintained by Pennsylvania's Children's and Youth Services agency to determine whether they contained evidence material to guilt or punishment and must turn over exculpatory evidence to defendant. Ritchie controls the present case and requires the trial court to review in camera for exculpatory evidence those portions of the file as indicated by the defendant's discovery request.” 746 P2d 716.

Page 4 of 4 – Memorandum in Support of Motion to Compel Discovery of DHS Records

GRAND JURY GEMMA EXHIBIT 18 ★

Gemma: She (Olivia) even said there was a passerby. A gentleman that saw the Kids naked in the river, naked and grandpas enjoyed the fact. And he yelled at grandpa. Olivia said he got angry and said, what are you doing? And, and Michael went, mind your own business. These are my kids. Like, you know, mind your own business. Go, go on.

Juror: And this is what Olivia told you?

Gemma: This is what Olivia said. *EXHIBIT 10*

CARE's INTERVIEW STRYKER

Stryker: Skinny dipping only happened one time. The girls were by their selves and Grandpa was on the shore. There was a lot of people around but no one said anything about the skinny dipping.

CARE's INTERVIEW OLIVIA PAGE 1007 EXHIBIT 19 A

CARE's: Yeah, ok. So let's go, let's start another paper because now I'm getting confused which are your new answers and which are your old answers. So thinking back about the first time it happened, tell me ..

Olivia: That's three years ago.

CARE's: That was three years ago? Tell me everything that happened.

Olivia: I don't remember.

CARE's: Ok, so what helps you remember it was three years ago?

Olivia: Avery. She keeps it on track.

CARE's: Ok. How does she keep it on track?

Olivia: Paper. She hides it under her bed.

CARE's: Ok. What's on the paper?

Olivia: Every time it happens.

CARE's: Ok, so does she write it or ?

Olivia: I think she threw it away.

CARE's: Oh

Olivia: Ripped it up and threw it away.

CARE's: Ok, so how come she was keeping track in the first place?

Olivia: I don't know.

Olivia: Huh uhh, I hate it.

CARE's: Ok, so because of the paper, you know that it was three years ago?

Olivia: Three or four, Avery said it was three to four.

JURY TRIAL OLIVIA

Attorney: Do you remember telling McKayla that Avery kept a journal about the bad stuff that happened?

Olivia: She did?

Attorney: I'm just asking you if you remember saying that?

Olivia: That Avery, yeah .. Avery, wait, Avery kept a journal?

Attorney: Uh huh, and if you don't remember that ..

Olivia: I don't remember that

Attorney: It's ok to say I don't remember.

Olivia: I don't remember.

51 - AT Bottom of Page!
START AT Bottom of Page!

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JURY TRIAL AVERY

Attorney: How about a journal where you write about bad things that had happened to you?

Avery: No

Attorney: You are shaking your head, no.

Avery: It wouldn't be true because I don't.

DETECTIVE BRAY PAGE

D.H.S. case worker, Lasik Bussoff in going into the house inquired, at the Residence about that diary and no body found anything, a diary. And I believe Avery denied there was one.

JURY TRIAL PAGE 713 EXHIBIT 20 ★

Attorney: Did you tell Stryker and Ashton that you thought Michael Champagne was molesting Avery and Olivia?

Gemma: I never told them. They told me that. ←

Attorney: Ok, you never talked to them that ..

Gemma: No

Attorney: You never said grandpa was messing with the kids?

Gemma: No. They told me that. ←

CARE's INTERVIEW ASHTON EXHIBIT 1

Ashton: Ah, I know Avery told my mom stuff and then her mom stuff and her dad stuff and then my sister told my mom stuff.

CARE's: Were you there when that happened or did somebody tell you that?

Ashton: Oh, I was in my room. My mom, I think, told me most of the stuff. I've only heard little snippets from Livy and Avery.

CARE's: And you heard snippets of what Avery and Livy were saying?

Ashton: Well, I didn't hear much cause I uh, well I just heard like - I only really know what my mom told me and I've seen. →

JURY TRIAL OLIVIA PAGE 601 EXHIBIT 22 ★

D. A.: Did it happen at that house one time or more than one time? 51 ←

Olivia: I don't remember.

D. A.: Ok, just tell me as much as you can remember about the time that it happened at that house. What room were you in? Who was there?

Olivia: We were in the livingroom. Avery, Ashton and Stryker were there, and we were watching a movie.

D. A.: And what kind of movie were you watching?

51-A

Olivia: A grown up movie.

D. A.: Grown up movie, and when you say grown up movie, what does that mean to you?

Olivia: Like more of a sexual movie.

D. A.: Did the movie watching with people having sex happen one time or more than one time?

Olivia: I think it was just one time.

D. A.: When the touching happened, what were you wearing?

Olivia: We were under a blanket and I wasn't wearing pants.

D. A.: So, it .. who .. you said you were under a blanket. Who is we?

Olivia: Me and Avery

D. A.: And you say you were not wearing pants?

Olivia: Uh huh

D. A.: What was Avery wearing, if you know?

Olivia: I don't remember.

D. A.: Did that touching, did that happen on the inside part or the outside part?

Olivia: I don't know what that means.

D. A.: Did he touch you on the outside part or the inside part?

Olivia: Inside

D. A.: Inside. What did it feel like when he touched you on the inside?

Olivia: I don't know.

D. A.: I don't know. Ok. Is there anything about like, that you can remember About what the sensation was; tickly or pinchy or pokey or ?

Olivia: No

D. A.: Ok, so we've talked about the car, the farm, and your house. Any other places where there was touching by his hand on your front part?

Olivia: I don't think so.

D. A.: What about when he licked you or touched you with his mouth. Did it happen in one place or more than one place?

Olivia: One place.

D. A.: And what was the one place that happened?

Olivia: His car.

NOTE: Ashton's CARE's interview proves Olivia lied in this questioning by the D. A. He said my hands were on my lap and nothing ever happened to the girls. Stryker also said nothing ever happened the two days I babysat them.

GRAND JURY TESTIMONY GEMMA EXHIBIT 23 ★

Gemma: Livy came to me weeks after it all came out and everything had been said and stuff and she said to me that Avery had been face timing her grandpa.

BRAY INTERVIEW WITH FELICIA

Felicia: Me, Matt, Gemma and Andrea were all sitting together and Gemma told me that the girls had face timed Michael sometime in between that time frame, June and say now.

Bray: Ok, the girls, as in?

Felicia: Livy and Avery

Bray: Face timed him prior to being taken into custody?

Felicia: Yeah, probably, probably, yeah

Bray: Ok

Felicia: I don't know where it was. Ah, it didn't sound like he was at Gemma's house, so I don't know and she told me she didn't tell anybody.

Bray: Told, who told you she didn't tell anybody?

Felicia: Gemma said she didn't say anything to anybody.

Bray: Ah, so did Gemma indicate where this face time would've occurred at?

Felicia: Hmmm

Bray: Whose house?

Felicia: Hmmm

NOTE: First, Gemma said Olivia told Avery had been face timing Michael then she. tells Felicia the girls have been face timing Michael. Gemma made this up.

BRAY INTERVIEW WITH GEMMA FALSE STATEMENTS PAGE 34 EXHIBIT 24 ★

Bray: Did you speak to Michael?

Gemma: I did not, Matt did. I was in the room where the conversation was happening and I could hear Michael through the phone. He was, you know, groveling, to my, no. The exact knowledge is that he said, he was pleading with him. Please Matt, don't go to the police. I – I will take classes again.

BRAY INTERVIEW WITH MATTHEW

Bray: Who was around you when you had that talk?

Matthew: Just me. I went out to my truck. Our house is a dead zone.

BRAY INTERVIEW WITH GEMMA EXHIBIT 25 ★

Bray: Now, I understand that you called and confronted Michael?

Gemma: No, no. He called. Michael was calling my phone off the hook. And I – I didn't answer it. And it was going off and going off and ..

Bray: I'm just reading the deputy's report that

Gemma: Yes

Bray: "Gemma told me she called Michael and confronted him with what the girls reported."

Gemma: He must have had it wrong cause I said that Michael – Michael called us.

Bray: Ok

Gemma: He did call us and ..

NOTE: Gemma called me and said hateful things to me.

DETECTIVE BRAY INTERVIEW WITH GEMMA PAGE 29 EXHIBIT 26 ★

Gemma: Yeah, there's so much. I'm getting hot in here. Take off all your Clothes. My daughter can't listen to that at all and it comes on the radio and she's like, turn it off, mom! Turn it, turn it ! I was like, you use to like that song. Michael sings it to us when he wants us naked. Its getting hot, yeah, yeah.

NOTE: Olivia never calls me Michael. Gemma does and this was never said in any. of the girls' testimony, about a song or anything else. Gemma made this up.

GRAND JURY TESTIMONY FALSE STATEMENT BY GEMMA EXHIBIT 27 ★

Gemma: But, they said when all these incidents come up, I was like, every time you guys are alone, every time you guys go fishing or camping or anything with grandpa, all these good .. that grandpa keeps on. You know, just doing... and he touches you. And they were like, they were nodding their heads, agreeing with it, with it.

NOTE: I was never out alone with Avery and Olivia fishing or camping. All journeys we went on, Ashton and Stryker were with us.

JURY TRIAL STRYKER EXHIBIT 27

D. A.: Ok. Do you ever do fun things with him (Michael) you enjoyed?

Stryker: We go hiking, railroad tracks to rivers

D. A.: So a lot of outdoor activities?

Stryker: Yes

JURY TRIAL OLIVIA PAGE 610 EXHIBIT 27

D. A.: You guys do fun things together too? What are some of the fun things you did together?

Olivia: He would take us lots of places, and he was like, do fun activities. He'd go to family things with us. He'd just do lots of fun stuff that were really fun. Like this one thing on my brother's birthday, it's called the fishing derby. That was one of the really fun things we used to do. We would go to the river a lot.

CARE's INTERVIEW STRYKER

Stryker: Nothing bad ever happens when we go hiking and having fun in the mountains. Nothing ever goes wrong.

GRAND JURY GEMMA EXHIBIT 28 ★

Juror: Prior to all of this coming up, what was your relationship like with Michael?

Gemma: A little iffy. He's very rude. He's dirty minded.

BRAY INTERVIEW GEMMA PAGE 11

Gemma: But she came to me and I – and then I said, you know, you are not going to be touched down there and everything, and, and, you know, and if anything ever happens, you can come to me and say, and, and, then that's when she said, I'm pretty sure grandpa's touching Avery, and so yeah! I brought it up to Matt and Matt brought it up to Stevo and then Michael called me and was like, Oh Gemma, what – what's going on? I've got Steven on the phone yelling at me, and was like, saying, if if ever is true, if this ever comes out that this happened, I'm going to, you know, he's going to, you know, be in trouble. He went crazy. Can't believe this is even being brought up, and why and all this and everything. And, but nothing happened with Avery, so I kept my ear to the ground and just started talking to the children a bit, and I found out what happened to Michael in the past.

NOTE: False story made up by Gemma. I never called her. This was perjury.

GRAND JURY GEMMA EXHIBIT ~~28~~ 29

Juror: Prior to all of this coming up, what was your relationship like with Michael?

Gemma: A little iffy. He's very rude. He's dirty minded.

NOTE: The above proves Jaque never said anything. It's another Gemma lie.

GRAND JURY GEMMA PAGE 14

Gemma: And then, she did, one day she came to me.

Juror: Tell us how that happened.

Gemma: I – you know, I can tell you anything? And I said, yeah, you can tell me anything. And she said, I think – I think Avery's been touched down there. And I was like, Avery, by who? By grandpa. She – she's been touched in her private area by grandpa. And, I went, she has? Well, she – she told me this, mom. And I was like, ok. So I spoke to Jaque and Jaque was like, no. I – I talked to Avery. We ask her all the time if she's ever – and I was like, you ask her time? Why do you ask her all the time for? And she goes, well, you know what grandpa's like. He's a little dirty, he's a little rude.

And I was like, well, yeah, ok so she – she – no she – she could come to us. And I said, I said, alright and I left that then I went to Matt and I said, Matt, this is what they – jshe said. And I – I spoke to Jaque and well, they have and they said that it's -- its impossible. They're – its not like that. Its not like that. And so I said, I – I think I'm just going to go behind Jaque's back and talk to the – talk to Avery and talk to the girls and see if there's any truth.

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JURY TRIAL OLIVIA PAGE 604-605 EXHIBIT 30 PART 1 ★

D. A.: Ok, what about when he licked you or touched you with his mouth, did that happen in one place or more than one place?

Olivia: One place

D. A.: And what was the one place that happened?

Olivia: His car

D. A.: Ok, who was in the car when that happened?

Olivia: Just me

D. A.: Just you and grandpa?

Olivia: Uh huh

D. A.: Tell me a little bit about that

Olivia: I was in the backseat, and that's really all I know.

D. A.: How did you get in the backseat?

Olivia: I don't know. I guess I got into the backseat, I don't know.

D. A.: What were you wearing?

Olivia: I don't remember.

D. A.: When you got into the car, did you have clothes on?

Olivia: I don't remember.

D. A.: Can you tell us what it felt like?

Olivia: Weird

D. A.: Anything else you remember about that? Do you know how it started? Did somebody tell you something?

Olivia: No, wait, how the whole thing started?

D. A.: How the time in the car when there was licking. How that started?

Olivia: I don't remember.

JURY TRIAL OLIVIA PAGE 625 EXHIBIT 30 PART 2

Attorney: And then you talked about being in the car and I'm sorry to have to ask you this but, him licking you?

Olivia: Yeah

Attorney: Do you remember telling McKayla that he was outside of the car when that happened to you and you were on the inside?

Olivia: Yeah

remember saying that?

Olivia: Ok

Attorney: And remember if you don't remember, what's the rule?

Olivia: I don't remember.

JURY TRIAL EXHIBIT 6 PAGE 608

D. A.: Ok. Did you see him touch her with any other body part?

Olivia: No

D. A.: Do you remember talking to McKayla about some touching of Avery's body with grandpa's front part or grandpa's boy part?

Olivia: Uh huh

D. A.: I didn't hear that.

Olivia: Yeah

D. A.: I, and I know that that's probably really, really hurtful and hard to talk about. Did you see that happen?

Olivia: No

During Avery's CARE's interview, she said there was no island or cave at the river we all went swimming at. In addition, she was never questioned about the sexual content the way Olivia was.

NOTE: Olivia's story was the "bad touching" happened when I came to get them on an island where there was also a cave and then we all "walked back". Gemma's story is I went downstream to get them and the "bad touching" occurred when I was pushing them back upstream in the water. The video and pictures show a man, a stranger, pulling them back upstream in the water. The girls were on the turtle floaty, fully dressed. I was video recording from the shore, also fully dressed.

Gemma's False Statements Page 20 ★ 21

She told me that grandpa said, said to her that, that, that she would get taken away. She would get lock... that she would get taken away. She would get taken away and grandpa would get taken away.

Gemma Quote: And I don't know who told her it, but that's what she got told, and I don't know if that Steven or Jaque that told her that or, or whatever, but she was terrified that grandpa was going to get taken away.

In Reality: Gemma said, grandpa said, she would locked up and taken away. Then Gemma said "I don't know who told her." This is for sure a weird, confused lie by Gemma. (Exhibit 2)

JURY TRIAL GEMMA PAGE 677 EXHIBIT 31 ★

Gemma: He told them to get naked and sit in a room and wait for him to come out and he's licked them individually, taking turns.

JURY TRIAL OLIVIA PAGE 604 EXHIBIT 31

D. A.: What about when he licked you or touched you with his mouth. Did it happen one place or more than one place?

Olivia: One place

D. A.: And what was the one place that happened?

Olivia: His car

GRAND JURY GEMMA

Juror: Did Avery tell you anything about him (Michael) licking her?

Gemma: No

JURY TRIAL AVERY PAGE 645

D. A.: And where were the places, like the buildings or places that it happened? Did it happen at Gemma's?

Avery: I don't think so.

JURY TRIAL GEMMA PAGE 698 EXHIBIT 32 ★

Attorney: I'm just asking, in general, when you testified at the grand jury, do you remember saying that you got concerned that he was a sex offender, so you started doing research?

Gemma: I never done research, no.

Attorney: Never done any research?

Gemma: No

DETECTIVE BRAY INTERVIEW GEMMA

Gemma: I tried to find out – what – what happened to Michael, you know, in the past. I went on line to access public sources to find out people, if there's sex offenders, and all that, and everything. So my mom said she looked into it, and we just kept him away. But things just started getting worse and worse, but Livy also tells stories.

GRAND JURY TESTIMONY GEMMA

Juror: How did you first become aware that something might be happening with the girls?

Gemma: I started hearing from one of the brother's wives (Jaque) that Michael had a prior, events, similar events.

Juror: Oh, ok. Did you also learn that the defendant had some prior accusations or even a conviction for sexually abusing a child?

Gemma: No, no. The only thing I got told by a family member was that he slapped some teenager's ass and they got upset about it. And nothing happened, it was nothing. That's what I got told.

Page 713

Gemma: Research means to me going online and finding information, credible by or companies or government, that will state that he is a offender or something of some kind and I did not do any of that! I asked a family member. I think I was just, I think it was my husband, yeah.

D. A.: So when you're talking about what you did, some people might see that as research. That's not how you are using the term, 'research'?

Gemma: No, no.

NOTE: In the Bray interview, Gemma boasted of how she and her mother did research on me. She also said that Jaque, who would be the only "wife" of of Matt's brothers, said she spoke of similar events. She also said Jaque told her I slapped some girl's ass, which if not true. She lied to both juries under oath.

GRAND JURY GEMMA PAGE 21 EXHIBIT 33 ★

Gemma: I just wanted to, just get in the fact that I don't think the girls realized that he was hurting them because when I said that, its, you can't, you know he hurt you guys, you know, you, you don't want to be speaking to him. They were all, they were like, like, grandpa was loving us.

Juror: Right

Gemma: Like, so whatever he's done to them, you know, and, and then other things like she told me, that he did, oral.

Juror: OK

Gemma: He's licked on them.

Juror: So when you say she ..

Gemma: Olivia

Juror: Olivia

Gemma: How or what ..

Juror: Ok

Gemma: Yeah

Juror: Did Avery tell you anything about him licking her?

Gemma: No

JURY TRIAL OLIVIA PAGE 604 EXHIBIT 33

D. A.: What about when he touched you or touched you with his mouth. Did that happen in one place or more than one place?

Olivia: One place

D. A.: And what was the one place that that happened?

Olivia: His car

NOTE: Gemma says "them" meaning both of the girls but Avery never told he that.

BRAY INTERVIEW GEMMA PAGE 24 EXHIBIT 34 ★

Bray: Was there any indication by either girl who long this has been going on?

Gemma: Yes, she said, I got the exact number. She said about three years. Avery said for the past three years, that it's been going on.

Bray: And did Olivia, I know you said Avery made a statement about three years. How about Olivia, did she say how long that was going on?

Gemma: No. She didn't say how long it's been going on.

GRAND JURY GEMMA

Juror: So did Olivia or Avery give you any sort of time frame about when these acts occurred?

Gemma: Both of the girls said it's been happening since, Avery, or to Avery, s She was – well, they said three years.

Juror: Ok

Gemma: Yeah, for the past three years, he's been doing it to Avery. And I think for the past year, maybe even a half, he's been doing it to Olivia.

Juror: That would track when he started taking her after you got pregnant.

Gemma: Yeah, pretty much, yeah, yeah, yeah

NOTE: Not what she told Detective Bray when he interviewed her.

E. R. 35?

In June, 2019, Olivia Alexander, current age 10, disclosed to her mother, Gemma Gedge, that the defendant had been putting his finger in her vagina for the last 3 years.

NOTE: Gemma said Olivia didn't say anything, only Avery told her about three years. Then she told the Grand Jury Olivia said one and one half years. Then the D. A. said three years.

BRAY INTERVIEW GEMMA EXHIBIT 35 ★

Gemma: I'm afraid he's going to take off.

Bray: Ok. My best explanation to that, to you, is once somebody's arrested, a clock starts ticking, ok, and so we become limited in what we can do.

Gemma: How long can you hold him to keep him?

Bray: And with what information we have, so if he's not arrested, you know, I can

gather more information and make a better case.

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Gemma: So this is the thing, as well. I mean don't you guys go and arrest him? I mean, I know you can't just like, on one person's word just go down there and arrest a person, because, you know, people lie. You could have someone lie. I, you know, I could be a bad person right now and just trying to get him in trouble.

Bray: Hmmm

Gemma: Do you know what I mean? So I can, I understand that.

CARE's INTERVIEW ASHTON EXHIBIT 36 *A*

McKayla: So what are we going to talk about being here today?

Ashton: Ah – ah you can say I don't know. You can, ah, like ah, just don't lie.

McKayla: Mm hmm

Ashton: And it's all truth and the more we say, the more that we get to put him away and stuff like that.

McKayla: And who is it that's going to be put away?

Ashton: Grandpa

McKayla: So you told your mom about kind of what you've seen?

Ashton: Yeah

McKayla: Yeah, what made you tell your mom?

Ashton: Knowing that it's not right.

McKayla: What did your mom do next after you told her?

Ashton: She was like, ah, I'm going to wait until it's like, the right time to, like confront him, and stuff, about it.

McKayla: Yeah? Ok. And then what happened after she said that?

Ashton: Well, she, ah, just waited until she got a lot more information to, like, really nail him down.

NOTE: Here he shares information his mother told him.

BRAY INTERVIEW GEMMA PAGE 14 EXHIBIT 37 *A* *PROOF nine*

Bray: So there was a time where Olivia talked to you about what's going on with her?

Gemma: Yes, and it was like, the third time she mentioned something had gone on with her. And then it was like, a little time had passed and I said to her I was going to have to speak, I had to figure out how I was going to, you know, blow it all up.

JURY TRIAL GEMMA PAGE 699

Attorney: So you've asked your daughter about being sexually touched. She denied it. How many times, would you say you asked her prior to June, 2019, about

about being sexually touched?

Gemma: I've never.

NOTE: Above in the Bray interview, she said three times Olivia mentioned something had gone on with her prior to June, 2019

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Attorney: Prior to June, 2019, you had gotten wind of something in Mr. Champagne's past. How long prior to 2019?

Gemma: A couple months before.

Attorney: And you asked your daughter before, Olivia, had any bad touching ever occurred to you, and she said, no.

Gemma: Correct

JURY TRIAL OLIVIA PAGE 621

Attorney: Ok, did your mom ever ask you if anyone.. how many times had your mom ever asked you about people touching you?

Olivia: I don't remember.

Attorney: Can you try real hard -- and we'll come back to that in a minute and Then I'm not going to bother you about it if you can't remember.

Olivia: Probably like twice.

Attorney: Twice prior to you talking to your mom?

Olivia: Oh, talking to, probably like four times.

NOTE: This shows Gemma lied in the Jury Trial.

BRAY INTERVIEW GEMMA PAGE 41 EXHIBIT 38 PART 1 OF 4 ★

Gemma: I want my daughter knowing that if something happens to her like this, she can go to the law and trust in it to have justice. To get things done right, you know. That they're, it isn't just going to be between the family, and he's going to just get beaten up by one of the boys, or something like that, you know. I – no – he – no. No. And I said this and they said, all right. Well, then we were going different ways, and he grabbed Avery and left and we didn't see them (Steven, Jaque and Avery) for weeks.

NOTE: Two days later was Avery's birthday and Gemma talks about how Steven and Jaque had no presents or cake so she baked a cake. "So Steven and Jaque used us because they were so angry at us because we were going to go to the police. But they just had to stomach it and put up with it so that – that Avery could get her gifts and her cake and her pie.

NOTE: See how quickly Gemma tells a lie. She said she hadn't seen Steven, Jaque and Avery for weeks, when in reality, she talks about how she threw a birthday party for Avery two days later (after the river incident).

JURY TRIAL GEMMA PAGE 690 EXHIBIT 40 ★

D. A.: So obviously, Olivia is your daughter and you love her very much. Do you have yourself an opinion of her sort of character for truthfulness?

Gemma: My opinion is she's truthful.

JURY TRIAL GEMMA PAGE 700

Attorney: You were – just testified, on direct that you don't have any concerns About Olivia's truthfulness but that's not what you told the Grand Jury during your testimony, is it? In fact, you said that she tells a lot of – I think it must be an English word called "porkies" or tall tales.

Gemma: Porkies

Attorney: Yeah

Gemma: Yeah, that is an English word, yeah, but she's a kid. She tells the truth and lies just like all the other children do.

Attorney: Why don't you tell me if this is your voice?

Audio recording: Livy's a storyteller. She'll tell a fib to get attention. She will.

Attorney: Was that your voice?

Gemma: Yeah

Judge: There's an objection.

D. A.: I don't object to the question about was that her voice, but I'm going to just object and will continue to object to improper character witness.

Attorney: It's a prior sworn statement and it's inconsistent.

Pg 702

Attorney: The general rule under 608.2 is that specific instances of conduct are not admissible, but to prove truthfulness or untruthfulness, does not bar their introduction to prove motive or bias. Number one. Number two, the witness stated during direct testimony that she finds Olivia to be truthful is directly contradicted by her sworn testimony under oath, that she said her child is not truthful. I mean, she opened the door then to the defense inquiring about how her child's not truthful, which I think includes the two specific instances which she alluded to or her child accused her of abusing her.

D. A.: I would simply disagree. I think he's entitled to cross examine her on whether or not she has previously made a sworn statement that her child has been untruthful. And does that change her opinion that she's provided to the jury? And if it doesn't, he's stuck with an answer. If it does, then there's a different answer.

Judge: I'm going to allow the answer to remain as it relates to the previous testimony regarding her opinion of her daughter's truthfulness.

OLIVIA'S LIES TOLD BY EVERYONE INCLUDING GEMMA
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STATEMENTS ATTESTING TO OLIVIA'S UNTRUTHFULNESS PART 2 OF 4

(step dad)

Matthew: Olivia is known to tell like a million lies, fabricate things or make them bigger than they are.

(from
CARE's
Interview)

Avery: Because she usually lies, bosses people around

CARE's: Are you telling me she's bossy and she lies? What does she lie about?

Avery: She's used to lying.

Stryker: Well, Livy did lie a lot, but I think that's what happened.

CARE's: So what did Livy lie about?

Stryker: She always lies that she had a boyfriend. She lies that she has a pool mansion.

Gemma: But this is Olivia for you, you know, she likes the attention. She'll make up stories.

Gemma: Livy's a story teller. She'll tell a fib to get attention, she will.

Bray Interview with Gemma

Bray: Ms. Gedge did explain, she was apprehensive about reporting any of this prior to checking into and being relatively convinced it happened because Olivia has lied to her and other's in the past.

Gemma: Livy would come to me with more stuff but Livy also likes to tell stories. So we have, we've had to speak to Olivia about over exaggerating stories and things.

Gemma: Like Olivia wanted me to believe her more than ever because obviously I had a hard time believing her right in the beginning because, like I said, she's got a track record of lying.

Gemma: I don't want to destroy Michael, especially with Olivia and her track record of having a bit of a story telling mentality.

Grand Jury

Page 30 The Jury also later heard a recording of a CARE's interview, in which Avery Champagne also suggested that Olivia Alexander is given to telling false stories.

Juror: You're saying Olivia has a history of telling lies?

Gemma: Yeah, so!

BRAY INTERVIEW GEMMA EXHIBIT 40 PART 3 OF 4

Gemma: So we have, we've had to speak to Olivia about over exaggerating stories and things so yeah, I wasn't about to start ruining Michael's life by these accusations until I was a hundred percent sure or at least , at least a little bit more certain that it wasn't just her trying to get attention.

Gemma: She even went over to the neighbors and told them neighbors the reason she's got false teeth is cause me and Matt punched her in the face. She

fell at the swimming pool and broke her teeth. This is Olivia for you, you know, she likes the attention. She'll make up stories.

Gemma: She would go and say that I – I left her with the babysitter once and she ran out of the house and went to the neighbors that mom left her on her own. I have no one watching her, and she left me and I'm like, and she's crying so I got the neighbors calling, I should call services. Really, you know, you can't leave your eight year old daughter alone. I'm like, she's not. Go over to the house. There's a babysitter there. And so she said, ah so we have, we've had to speak to Olivia about over exaggerating stories and things. So, yeah ..

Gemma: But things just started getting worse and worse. Livy would come to me with more stuff, but Livy also tells stories.

Gemma: She fell in the swimming pool and knocked her teeth out, and she went across the street to the neighbor's house and they were like, Oh heavens, how'd you do this. Oh, my brother punched me in the face, like this. So they came to me, oh what are you doing letting your brother punch, I'm Like, no, she's telling porkies. She fell in the pool.

Gemma: (talking to Avery) Livy's come to me and, and said grandpa's touched you down in your private area, and Livy's right here, and I said – and I said, but you, you know as well as I do what Olivia's like, and she can lie, and I want To make sure she isn't a liar.

JURY TRIAL GEMMA PAGE 690 EXHIBIT 40 PART 4 OF 4

D. A.: So obviously Olivia's your daughter and you love her very much. Do you have yourself an opinion on her sort of character for truthfulness?

Gemma: My opinion is she's truthful.

My Attorney, Mr. Schmonsees Page 695-696

Attorney: You previously testified, under oath, downstairs in what we call the Grand Jury Room. Do you remember that?

Gemma: Yes, I do.

Attorney: You were – you just testified on direct that you don't have any concerns about Olivia's truthfulness. But that's not what you told the Grand jury during your testimony, is it? In fact, you said that she tells a lot of porkies, or tall tales.

Gemma: Porkies, yeah, that's an English word, yeah, but she's a kid. She tells the truth and lies just like all the other children do.

Attorney: Why don't you tell me if this is your voice.

Recording: Livy's a story teller. She tells a fib to get attention, she will.

Attorney: Was that your voice?

Gemma: Yes, that was.

Attorney: It's a prior sworn statement and it's inconsistent.

Gemma's False Statements About Me (Michael) Making Ashton Get Naked At The River.BRAY INTERVIEW GEMMA PAGE 25 EXHIBIT 41 PART 1 A

Gemma: At the river, he made them strip down naked, including my son. ←

Bray: He made your son strip down naked?

Gemma: I confronted – I mean, he said, mom, he didn't make me, kind of – he made the girls and then he said, well, the girls are naked so you must, you might as well and my son said, ok.

GRAND JURY GEMMA PAGE 27

Gemma: The only other thing is the, when they – when he takes them to the river, He, he, makes the get naked. He makes them strip off naked. ←

Juror: Ok

Gemma: And he made my son strip off naked once too. And it took me awhile to get it out of my son too. He was very embarrassed. He broke down in tears after the third time of me asking what happened, because Olivia yet was the one that was saying what had happened.

Juror: So I just want to make sure I understand. So Olivia told you that one of the times at the river, grandpa had also made Stryker take his clothes off?

Gemma: Not Stryker, Ashton.

Juror: Ashton, ok. And that ..

Gemma: All of them took his clothes off, but Ashton told me as well.

Juror: So what I was going to say, one of the, Ashton confirmed with you that what Olivia said ..

Gemma: Said was true.

Juror: Was true, ok. Did Avery tell you that he had them take their clothes off?

Gemma: Yeah

NOTE: Gemma lied three times about Ashton getting naked at the river at the same time Olivia and Avery got naked at the river.

JURY TRIAL GEMMA PAGE 692 EXHIBIT 41 PART 2

Gemma: My little son, Ashton said that he made him get naked in the river, with the girls. He made the girls get naked and then he said to the boys, you might as well get naked. If not, you can go sit in the car. And so my son got naked, as well. ←

CARE's INTERVIEW OLIVIA

CARE's: Can I say the whole thing you wrote down?

Olivia: Uh huh

CARE's: Ok, he said it was ok to be naked in the water, so we did what he said.

Gemma: Every time I spoke to Olivia, she said always it was Avery first.

NOTE: Olivia said, in the Trial she only saw me touch Avery with my hand. She couldn't remember where or when.

JURY TRIAL GEMMA PAGE 677 EXHIBIT 42 ★

Gemma: He has tried to get Olivia to touch and put his penis in her mouth, and touch it with her hands.

BRAY INTERVIEW GEMMA

Bray: I asked Olivia if he has ever asked her to touch him. She was like, no.

JURY TRIAL OLIVIA PAGE 621

Attorney: Ok, did your mom ever ask you if anyone ... how many times had your mom ever ask you about people touching you?

Olivia: I don't remember.

Attorney: Can you try real hard ... and we'll come back to that in a minute and then I'm not going to bother you about it, if you can't remember.

Olivia: Probably, like twice.

Attorney: Twice prior to talking to your mom?

Olivia: Oh, talking to, probably like four times.

NOTE: This shows Gemma lied in the Jury Trial.

CARE's INTERVIEW ASHTON PAGE 16

CARE's: So grandpa and girls were in the river.
 Ashton: (Yeah, only the girls were naked, not him.)
 CARE's: How did you know they were naked? I don't want to guess.
 Ashton: Ah, so I walked over and well, grandpa told me and then I – they were naked when I walked over so I left and went back to Stryker.

CARE's INTERVIEW OLIVIA PAGE 11-12

CARE's: Hmm, you and Avery had nothing on and while you guys, while you were In the river, where was Stryker and Ashton?
 Olivia: In the water
 CARE's: In the water, ok. I saw you nod your head, ok.
 Olivia: But they were playing somewhere else.

JURY TRIAL ASHTON PAGE 726

Ashton: He took us to the river where there was clay in the river. You know, Livy, maybe Avery, but I definitely Livy was there, was naked in the water.
And Michael said you could look inside. I'm like, no and I turned away.
 D. A.: I know it's a difficult question but what was he doing that made you say
Ew, and walk away?
 Ashton: Saying you could look inside, and yeah.

CARE's INTERVIEW WITH ASHTON PAGES 22-23, 28-34 BABY SITTING PROOF

McKayla: Ok THIS proves Gomm's Baby sitting lines
 Ashton: I think the girls were naked on the couch and they were sitting in a blanket naked, I think.
 McKayla: Ok, the girls were sitting close to each other. Where were you and when this was happening?
 Ashton: I had to stay in the living room where they were because I had the baby, so I couldn't go anywhere else.
 McKayla: Ok, but Stryker's the one who said that they were naked under the blanket?
 Ashton: That's what Stryker said.
 McKayla: Ok, and where was – was – where was grandpa, or was he even there or
 Ashton: He was there. He was right next to them but not in the blanket. Right next to them.
 McKayla: So what's your relationship like with grandpa?
 Ashton: Well, he would take the – Avery and Livy and Stryker everywhere and just leave me behind.
 McKayla: Oh, other than that and the bad words, any other stuff he didn't want you

you to talk about?

Ashton: Him making us watch, like, ah, sex movies and stuff.

McKayla: Ok, tell me about that

Ashton: Well, this was another time that I would have left, but I had the baby. It was the same time, ah well, I said, oh, grandpa, this is against my mom's rules and we're not allowed to watch this stuff, and he was like, oh you're with me, so you're allowed to watch anything you want, and I was like, ok. That – but that's against my mom's rules, and he still did it anyways. When the baby was born, he did it and then when I was watching the baby, he did it, and I was like, ok, I'm just going to tell my mom.

McKayla: Hmm, so you didn't want to ... hmm.

Ashton: He didn't find out that I told my mom about that!

McKayla: So he did it one more time?

Ashton: Yes, he did it twice.

McKayla: Twice, ok. So once when baby Matt was born ...

Ashton: Yes

McKayla: Ok, and then one more time when you were watching him ...

Ashton: Yes, and my mom and Matt went to a concert.

McKayla: Ok, when who went to the concert?

Ashton: Ah, my mom and Matt.

McKayla: Oh, your mom and Matt. So who else was watching the movie?

Ashton: Livy, Avery, and ah, Stryker was in the room.

McKayla: So you had to take care of the baby all by yourself.

Ashton: Yeah, basically.

McKayla: Yeah, and then, when – so tell me more about, kind of how it started. Like – like, where you guys were when ah, you guys watching the movie.

Ashton: In the living room

McKayla: In the living room, and ah, tell me about, kind of how, like where people sat. Where were you with the baby? Where was grandpa? Where was Olivia and Avery?

Ashton: So, ah ...

McKayla: Do you want to draw a layout for me?

Ashton: Can I? Yeah it, we have, like, a, like a, house that goes to the corner of the room and then sideways.

McKayla: So that way, yeah. Just, you can draw me a layout of the living room and then, you can make like, where you guys were watching the movie.

Ashton: Like, here and then it turned, but this is longer and like – like – right here would be me. And like here, this is grandpa, and this is Livy, this is Avery.

McKayla: Mm hmm, ok. And where was the TV or was it on the TV or was it on something else?

Ashton: TV

McKayla: The movie, ok.
Ashton: The TV would be like, up here.
McKayla: Oh, ok. So tell me more about the movie that he showed you guys.
Like, what was going on in the movie?
Ashton: Ah, like, ah, ah, God, this is hard to describe without being awkward. Ah, so, like, ah, so it was – they were on a bed, both naked, ah with just nothing on. And then, well I think the guy in the movie was sticking his thumb in the girl's private. And then, she was rubbing up and down on his private, like ...
McKayla: Ok, were they grownups, kids?
Ashton: Grownups
McKayla: Teenagers?
Ashton: Grownups
McKayla: Ok, when the movie was happening, what was grandpa doing?
Ashton: Ah, I think just sitting and watching or sitting and smiling and watching. Either he was probably watching and talking to the girls.
McKayla: Ok, what were the girls doing?
Ashton: Sitting, watching and laughing.
McKayla: Ok, and were they like, were, ah, I know you were telling me about a, a Different time when they, just, like had a blanket on.
Ashton: Well, the same
McKayla: So what would be ...
Ashton: Exact thing happened again.
McKayla: Ok, so when the, when you guys were or when the movie was on, what were ah – what were Livy and Avery wearing or could you tell what they were wearing?
Ashton: No, their – it was just their blanket. It was like this. The blanket from here down and all you could see is their knees poking – like holding up the blanket and then like, hitting the floor, and then you couldn't see anything.
McKayla: Ok, and the blanket was over grandpa as well or not?
Ashton: Ah, I don't think so.
McKayla: And where were his hands when you guys were watching the movie?
Ashton: I think on his lap, I think.
McKayla: Did anything ever happen, like was he wearing clothes, was he not wearing clothes?
Ashton: Wearing clothes
McKayla: Did anything happen to his clothes while you guys were watching the movie?
Ashton: No
McKayla: Ok, I'm going to write down that this is the living room.
Ashton: Ok
McKayla: Living room, and because you told me that these like – your grandpa was sitting on Matt's usual seat and that your mom's seat is usually

kind of at the end of the couch ...

Ashton: So this would be Matt's seat at the edge, like this would be where normally I would sit, if I sat next to my mom.

McKayla: So, since I'm talking to you, I'm going to write down your house, ok? And then the time you were telling me about when, when Matthew was born and there was another movie like that on.

Ashton: The same one.

McKayla: Basically the same. How were people sitting that time?

Ashton: I was sitting here and then ...

McKayla: Ok, did they have a blanket on that time as well? Yeah? Ok, what about grandpa? Did he have the blanket on?

Ashton: No, ah, maybe, I don't recall. I don't know.

McKayla: I appreciate you telling me, "I don't know."

STATEMENTS MADE BY GEMMA GEDGE

All the following statements, she says that Olivia told her. I believe Gemma made them up.

Quote: Olivia said that Avery said that this is not going to happen to me much longer because he likes you better. And that he's not going to touch me anymore (this is Avery to Olivia), that he wants you now.

Gemma: Olivia told me, these were her words, (says Gemma). She says, mommy, he says he come in my room at night and touches me at night, and the he could touch me in the daytime because I like it in the nighttime.

Bray: So that's what he told her?

Gemma: yeah, yeah, to, to, in order to touch her. Yeah, yeah, I'm assuming that's what he said, yeah.

Gemma: Olivia said she don't remember the incident happening but she stated she was eight. Her grandpa told her that while she was sleeping, he put his private in her backside. She said she was sleeping and it was just – she found out after grandpa told her.

JURY TRIAL OLIVIA

Exhibit 13

D. A.: What kind of touching did grandpa say he did?

Olivia: My front part.

D. A.: Ok, so his front part on your front part?

Olivia: My front part.

D. A.: So grandpa told you he touched you on your front part, but you don't remember that happening because you were sleeping?

Olivia: Yeah

one
two

powell committed perjury Twice "Perjury 2"
He says what Avery believes A Hot dog is,
He said & Raped Avery, even After Olivia in
Her jury TRIAL Recanted and TOLD THE TRUTH,
Malfeasance!

A wrongful or unlawful Act, wrong doing
or misconduct by a public Official.

Powell

And finally AS it Relates TO THIS Count
And state exhibits 17, Another drawing of
Olivia. This is From THE childrens center
Interview, And she Labeled it herself. We Have
Avery, we Have Avery laying on the ground
with her legs spread, grandpa stand And his
knees bent. And we Have a line going From
Grandpa's private part TO Avery's. When she's
ASKED WHAT Happen, she said in more, left
THE E OUT in more. Then drew squiggles
THAT Are going BACK AND Forth. And THATS
WHAT SHE SAW WITH Her own eyes. When
she's ASKED How THAT made Her feel, she
SAID she Felt SCARED. Do you believe Her?

POWELL COMMITTED FRAUD!

A knowing misrepresentation of THE TRUTH or
concealment of a material fact To Induce
Another To Act To His or Her detriment. but
in some cases when THE conduct is willful
it may be a crime.

"Perjury 1"

Page 1478

District Attorney Powell. Page 1

Powell

On October 15th Defendant sends A text TO molly Kopp, He says I figure my baby must be resting since you Aint on the text machine, I know its better you rest Anyways. And then jump TO the Bottom, He says I often wonder How our Lives would Have been Right now, if I never got myself in THis Situation! so theres specific charges now!

Rape in the First Degree,

Note,

In my statement I WAS saying if I would Had not gone TO the River And Invited Gemma And Her children the cascade of perjured statements would Had never arose.

Rape in the First Degree

THIS relates TO Avery, Those Are the Drawings you All saw when your Talking About OLIVIA'S First Interview, State Exhibit 20 And 16, At the Bottom of Exhibit 20, it says Hot Dog Avery, And I Trust you saw the video on THAT. we see what Avery believes A Hot Dog is. She's Talking About Boy private parts And it WAS About How she put when she's explaining it. And THATs Her picture. So Avery got the Hot Dog, And olivia told Her mom About it, she told the childrens center About it, when she did she said she saw it with Her own eyes, she said pee pee me, Hot Dog Avery.

"District Attorney Felony Perjury 1"

Powell's Perjured Statements "one"

Page 2

We see what Avery believes a Hot Dog is, she's talking about Boy private parts and it was about how she put when she's explaining it, and that's her picture.

"NOTE"

1. OLIVIA WAS THE ONE THAT SAID A boy's private parts is called a Hot Dog.
2. Avery did not Draw the picture, Olivia did!
"Perjury" 2

"TWO"

SHE SAID she saw it with her own eyes!
SHE SAID pee pee me, Hot Dog Avery!

"PROOF PAGE 1005"

"Cares" SO Hot Dog and Avery?

"OLIVIA" UH-HUH

"Cares" OKay, and did you ever see with your own eyes, or did somebody tell you or-

"OLIVIA" Avery Told me.

"Cares" OH Avery Told you? Have you ever seen it happen to Avery with your own eyes?

"OLIVIA" SHAKING HEAD NO!!

OLIVIA in Jury TRIAL, Page 604

D.A. So we've TALKED ABOUT THE CAR, THE Farm, and your House, Any other places where there WAS touching with his hand on your front part?
"OLIVIA" I DON'T THINK SO!!

Powells Perjured Statement's

Page 3

"D.A." → OKAY, ANYTHING- DID YOU SEE HIM TOUCH HER WITH ANY OTHER PART OF HIS BODY?

"OLIVIA" → NO!

"D.A." → DID YOU REMEMBER TALKING TO MICHAELA ABOUT SOME TOUCHING OF AVERY'S BODY WITH GRANDPA'S FRONT PART OR GRANDPA'S BOY PART?

"OLIVIA" → UH-- HUH

"D.A." → I-- AND I KNOW THAT THAT'S PROBABLY REALLY REALLY HURTFUL, AND HARD TO TALK ABOUT. DID YOU SEE THAT HAPPEN?

"OLIVIA" → NO!

"Perjury" 2"

COUNT TWO Page 1480

"Powell" THIS AGAIN RELATES TO AVERY SHE TOLD US THE DEFENDANT USED HIS MOUTH AND TONGUE TO TOUCH HER ON HER PRIVATE AND THIS SORT OF ABUSE HAPPENED MORE THAN ONE TIME, AND IN MORE THAN ONE LOCATION. ADDITIONALLY AS IT RELATES TO COUNT TWO, AND ALSO COUNT 3 WHICH IS THE SODOMY CHARGE WHERE OLIVIA'S THE VICTIM, OLIVIA TOLD M^S GEDGE, HE LICKED US, HE LICKED US, AS IT RELATES TO COUNT 3. SODOMY WHERE OLIVIA'S THE VICTIM AND YOU HEARD THE DESCRIPTION OF HOW THIS HAPPENED IN THE CAR, NOW I TRUST

Page 4

you All Remember THE way Her Face looked, THE way Her Tone CHANGED, THE way Her body Language CHANGED when SHE SAID it FELT wierd!

"Prosecutorial Misconduct"

The prosecutor may Not Vouch For the credibility OF government witness (Gemma) or Allude To His or Her own personal integrity or OATH OF OFFICE To bolster The government's case!

"PROOF"

In both OF Olivia's Interviews she never said He licked us, Gemma Gedge made these stories up about when I babysat the four children.

In fact Olivia said In her coached testimony by the District Attorney, she said I touched her under a blanket on her private

Pages 22-26 "Gemma Gedge" "Grand Jury"

Then she started saying it was done to her - and she was -- all like, I didn't like it. IT WAS -- it -- I don't know why he wanted to but he was - he - he licked on us. He licked on us.

"JUROR" Did s He Tell you what part He licked?

"Gemma" YEAH, Down There, SHE SAID Page 5.

"Juror" WHAT Did Avery say He did To Her?

"Gemma" He-- SHE just said THAT He- He- He- THAT He Touched Her

"Juror" And Then SHE pointed AT Her VAGINAL AREA?

"Gemma" Hmm-hmm yeah

"Gemma Jury TRIAL" Pages-679-681

Gemma, And Olivia goes, He licked us, Mommy, He licked us, And SHE HAS THIS icky Face on, ew, And so Like He licked us, Why did He lick us,

Gemma Gedge said In This Episode I made Her one year old son get naked And He Eleven year old ASHTON get naked!

OLIVIA In Jury TRIAL

"D.A." WHAT About When He licked you or Touched you With His mouth. Did THAT Happen in one place or more THAN one place?

"OLIVIA" ONE place

"D.A." WHAT WAS the one place THAT Happened?

"OLIVIA" HIS CAR

Gemma Grand Jury!

"Juror" Did Avery Tell you Anything About Him Licking Her?

"Gemma" NO!

Page 6

In Gemma's testimony to both the Jury
and Grand Jury gave perjured information
saying Olivia said I licked her both
times that I babysat the children, so the
D.A. Mr Powell gave false testimony
saying Olivia said I licked her when
it was Gemma that said it not Olivia,
Powell → "Perjury 2"

"Powell's Perjury" Page 1482

"D.A." UNLAWFUL sexual penetration in
the First Degree! Again we have Olivia's
testimony at trial. Defendant used his hand
to touch her multiple times while he was
baby sitting and she was under the blanket
with Avery. And at that time, Olivia said
Defendant touched the inside of her front
private, that's the diagram you all saw
earlier, state's exhibit 25 that Ashton
drew of where all were sitting when
this happened. And he (Ashton)
talked about he remembered one time
because baby Matthew hadn't been born
yet and was being born and the other
time because he was holding baby
Matthew and he was turning away
because he didn't want to look,

PROOF OF Perjury

Page 7

Page's 64-65 Stryker TALKS ABOUT
How nothing Happened THAT made Him
Uncomfortable on BOTH Days & Baby sat!

"ASHTON in Care's Interview!"

"Mc Kayla" Where WAS grandpa or WAS
He even there

"ASHTON" He WAS Right next to them
but not in THE Blanket (Page 36)

"Mc Kayla" When the movie WAS
Happening, WHAT WAS grandpa Doing?

"ASHTON" I THINK just Sitting AND
WATCHING, or sitting AND smiling AND
WATCHING!

"Mc Kayla" OK, WHAT were the girls Doing?

"ASHTON" Sitting, WATCHING, AND Laughing!

"Mc Kayla" OK AND THE Blanket WAS
over grandpa AS well, OR not?

"ASHTON" AH, I DONT THINK SO

"Mc Kayla" AND Where WAS His Hands
When you guys were WATCHING the movie?

"ASHTON" I THINK on His lap, I THINK!

"Mc Kayla" Like WAS He wearing clothes,
WAS He not wearing clothes? (Stupid lady)

"ASHTON" Wearing clothes!

"Mc Kayla" Did ANYTHING Happen to His
Clothes while you guys watched the movie?

"ASHTON" NO!

Page 8

"M^cKayla" Did they have a blanket on that time as well? yeah? OK, what about Grandpa, did he have the blanket on? "ASHTON" NO! AH maybe, I don't recall, I don't know!

"PROOF"

Both ASHTON and Stryker said in their interviews they did not see me abuse the girls like the District Attorney coached Olivia into saying that I did touch her sexually!

District Attorney Coaching Olivia to lie!
"D.A." Did it happen at that house one time or more than one time?

"OLIVIA" I don't remember!

"D.A." Tell me as much as you can remember about the time that it happened at that house? Who was there?

"OLIVIA" Avery, ASHTON, and Stryker were there and we were watching a movie!

D.A. And what kind of movie were you watching?

"OLIVIA" A Grown up movie, like more of a sexual movie!

"D.A." Did the movie with people having sex happen one time or more than one time.

"OLIVIA" I think it was just one time!

Page 9

"D.A." → When the touching happened, what were you wearing?

"Olivia" We were under a blanket and I wasn't wearing pants!

"D.A." So, it, who... you said you were under a blanket, who is we?

"Olivia" Me and Avery.

D.A. Did the touching happen on the inside or the outside part?

"Olivia" I don't know what that means!

"D.A." What did it feel like when he touched you on the inside?

"Olivia" I don't know!

"D.A." I don't know, what about the sensation, tickly, or pinchy, or pokey, or?

"Olivia" NO

"D.A." What about when he licked you or touched you with his mouth, did it happen in one place or more than one place?

"Olivia" One place.

"D.A." And what was the one place that happened?

"Olivia" → His car!

"So much Perjury by The District Attorney!"

"D.A." So Avery got the hot dog, and Olivia told her mom about it, she told the children's center about it. When she did she said she saw it with her own eyes, she said pee pee me, Hot Dog Avery!

NOTE

Page 10

Well Olivia And Gemma Both made up
Two stories on THIS Perjured ordeal!

But First

"DA" "Page six" THE District Attorney
SAID ASHTON SAID HE TALKED ABOUT ONE
Time because baby MATTHEW HADNT BEEN
Born, yet AND WAS being born AND THE
other Time He WAS holding baby MATTHEW
AND He WAS Turning AWAY because He
didn't want to look,

ON ASHTON'S CARES Interview
you don't see Him saying THAT AT ALL.
IT IS A Story Gemma told About How
I MADE Him AND THE one year old baby
get NAKED AND watch porn! Do you
see THAT in ASHTON'S Interview. NO!

Page's 36-37-38-39-

He HAD His eyes closed looking
Forward According TO Gemma, Perjury!

"OLIVIA" Another False Episode!

Pages 1035-1036- Olivia in THIS story
SAYS I didnt HAVE pants on in THE River!
"Coglianese" Hot Dog Avery, BUT Did
anything go inside your Body?

"OLIVIA" Non Verbal Response

"Coglianese" OH Finger went Inside
How Did THAT feel in your body?

"OLIVIA" I WANT my mom!

Perjury never stops
NOTE

Page 11

on Page 1035 OLIVIA SAID ASHTON
AND STRYKER WAS IN THE WATER BUT THEY
WERE PLAYING SOMEWHERE ELSE,

"GEMMA SAY'S" Page 25

"Detective BRAG Interview"

GEMMA SAID, AT THE RIVER HE MADE
THEM STRIP DOWN NAKED, INCLUDING MY SON!

"GRAND JURY" Page 27

GEMMA, HE MAKE'S THEM GET NAKED, AND
HE MADE MY SON STRIP OFF NAKED ONCE
TO. SUPPOSINGLY WHEN OLIVIA AND AVERY DID!

"JURY TRIAL" Page 692

"GEMMA" MY LITTLE SON ASHTON SAID
HE MADE HIM GET NAKED IN THE RIVER TO!
AND SO MY SON GOT NAKED AS WELL!

"JURY TRIAL GEMMA" Page 677

"GEMMA" I'VE BEEN TOLD BY THE GIRLS
THAT HE PUT HIS PENTS INSIDE OLIVIA, AVERY'S
VAGINA, HE'S DONE THAT WITH HIS FINGERS
INSIDE OLIVIA AT THE SAME TIME!

"CARES Interview STRYKER"

"STRYKER," SKINNY DIPPING ONLY HAPPENED
ONE TIME. THE GIRLS WERE BY THEMSELVES
AND GRANDPA WAS ON THE SHORE!

"GEMMA GRAND JURY" Page 30

"Juror" DID SHE AVERY TELL YOU ABOUT
ANY TOUCHING THAT HAPPENED AT THE RIVER?

"GEMMA" NO!

E.I.

50

1A

Detective,

"Bray Giving True And perjured Statements"

Bray,

MICHAEL CHAMPAgne HAD regular CONTACT WITH TWO OF HIS SONS, JARED CHAMPAgne AND MICHAEL CHAMPAgne. ITS THE SON IS ALSO MICHAEL BUT HE JUST A different LAST NAME, CONTINUALLY WANTING THEM TO CONTACT HIS OTHER brother STEVEN, WHO IS THE FATHER OF AVERY! AND PRIMARILY, THE objective WAS TO get STEVEN TO TAKE AVERY TO some kind of medical facility, AND get checked out, SO THAT He could SHOW THAT SHE IS pure!

NOTE → (TO SHOW THAT SHE WAS NOT SEXUALLY ASSAULTED)

Bray
Oct 15th

He HAD A conversation WITH HIS SON JARED. ITS Really Important STEVEN TAKES care OF THAT, SO I DonT Get charged WITH it.

NOTE →

(Rape, penetration OF THE Vagina)
"TAKE Avery TO medical facility"

BRAY
Oct 19th

He HAD Another conversation WITH HIS girlfriend Molly Kopp, referencing He Told His girlfriend THAT STEVEN TOOK Avery For A test To show she's pure. He Told His girlfriend THAT JARED gave Him (STEVEN) one Hundred dollars To cover His gas AND Food

NOTE →

(Now THE Detective STARTS To commit Perjury)

E.2.

50-A

13

BRAY
Oct 19th

Detective Bray, District Attorney Powell, commit Perjury!
Jared told him he gave him (Steven) the
only hundred dollars he has, and to Mr Champagne
that Steven made a appointment the next week and
that also they were going to use the money to
throw a Halloween party for Avery.

Powell

On the same day - a phone call with Jared, a quote
 on the phone call, gave him the only hundred I had.
 He made a appointment next week, and a Halloween
 party for Avery. How did the Defendant respond to that?

Bray
Powell

I don't have the exact quote on his response! ←
Do you recall any recollection of approximately
what his response was in general?

Bray

I DON'T!
"(Now Felony Perjury by both men start)"

Powell

Does he talk about a Halloween party for Avery? ←

Bray

He Does

Powell

And that was on the 19th.

Bray

Yes it is

Powell

Page 871

In that conversation with Jared what did you
hear the Defendant say?

Bray

There was a discussion about Jared providing
Avery with money! ← "Perjury"

Powell

Do you recall what was said?

Bray

I can't refer to the exact quote ←
(Now it gets to be double Felony Perjury!)

Bray

Page 566

← He also talked about giving Jared money
to give to Steven so Avery can have a party!

WOW

"Perjury"

Bray committed Perjury twice on this page

E, 3.

50-B

14

District ATTORNEY Powell Give's Final Lies

Powell → AND in THOSE CALLS, I ANTICIPATE Detective Bray would testify THAT THATS where you Heard About earlier with THE HUNDRED AND THE money PASSING TO Avery where THAT WAS Arranged !! "Perjury"

HATTON

Page 1227

Avery SHARED with US THAT SHE recently recieved Sixty Five dollars From Her uncle JARED. We ASKed why SHE recieved the money, SHE SAID IT WAS because HIS CHILDREN HAD been bad! SO He WANTED TO Give IT TO Her TO use AT the play Center. → (CHILDREN means more THAN one child) ←
(JARED HAS 1 one year old child. How can He be bad?)

Powell →

1471

M^S HATTON SAID Avery TOLD Her JARED GAVE Her Sixty Five dollars For being good!
(Same person Commits Perjury like Powell)
HATTON Commited "Perjury"

D.A.
Page 192

BRAY

Does Avery refer TO Her uncle JARED giving Her money?

OKAY, THERE WAS A COMMENT during, THAT Avery MADE About Her uncle JARED giving Her Sixty Five Dollars!

DA.

THAT occured ON THE 22nd Right?

BRAY

IT DID

DA →

Page 562

SHE ALSO TELS THEM THAT Her uncle JARED HAS given Her some money FOR being good!
(I believe Old Lady Landers SAID + HIS)
"Perjury"

Powell commits perjury - money For being good!
Landers Commits Perjury - money For being good!
HATTON Commits perjury - money For being good!

Michael Mcleand # 29224Michael

Gemma told me on 6-15-19 Olivia told her Michael CHAMPAGNE, Her grandfather had been putting his finger in her VAGINA FOR THE PAST THREE years!

"Gemma Perjury" 1June 18, 19PROOF OF Perjured statement Below.Detective Bray

WAS THERE ANY INDICATION by either girl, How long THIS HAS been going on?

Gemma

SHE SAID, I got THE exact number, Avery said FOR THE past THREE years its been going on.

Bray

How ABOUT OLIVIA, Did she say How long THAT WAS going on?

Gemma

No she didnt say How long its been going on! More perjury below committed by Gemma!

Sept 11, 2019Grand JuryGemma Perjury 1

SO did OLIVIA or Avery give you ANY sort of Time Frame when these Acts occurred?

Gemma

BOTH girls said its been Happening TO Avery Since she WAS well, They said THREE years!

FOR THE past year maybe even A HALF He's been doing it TO OLIVIA!

NOTE

Gemma told Two different stories TO Three different People during THE Investigation.

Gemma Perjury 1

Page 1471

"District Attorney Commits Perjury"

D.A. She discussed Family business. She mentioned THAT THAT'S WHAT SHE TALKED TO Gemma About. She SAID THAT JARED CHAMPEAGNE gave her 65 dollars for being good.

"Perjury 1"

D.A.
Page 1469

Then on June 15th, This is the Day at the River, on the way to the River, we heard from ms Gedge, Stryker said grandpa gets the girls naked AT the River.

NOTE →

We went on June 14th, not 15th. "Perjury 1"

Page 1470

D.A. Olivia Told Her mother He licked us, He licked us. Those weren't words used by Gemma Gedge.

NOTE

Olivia never said these words. "Perjury 1"

→

She only said in all of her testimony that she got licked one time at the farm in a car. Gemma Gedge used the same statements in both babysitting stories, which were both filled with false statements.

Page 1470

D.A. That wasn't a concept put into their mind by ms Gedge.

NOTE

That was their own statement, He's inside me all the time, and he licked us. "Perjury 1"
(She says that was their (meaning both said that) and in none of Avery's testimony did she say he's inside me all the time.)

▶ DR NOT PAGE "ONE" "Fourteen" "Nineteen"

48-B

11

Cares Interview PROOF.

Page 1147

D.A. Did ASHTON Tell you About A Incident Where Livy And Avery were NAKED At The River?

Cares yes He TALKED About THAT!

D.A. What Did He tell you About THAT?

Cares So ASHTON SAID, THAT OLIVIA AND Avery were At the river with Grandpa AND THAT THE girls were NAKED, but Grandpa WASN'T ←

Cares Interview

Stryker Skinny Dipping only Happened one Time. The girls were by themselves, AND Grandpa WAS ON THE Shore, There were lots of people around but no one said Anything! About The Skinny Dipping!

Page 11-12

Cares Interview Olivia

Cares you And Avery Had Nothing on And while you were in THE water, where WAS Stryker AND ASHTON.

Olivia In THE water

But they were playing somewhere else,

"GEMMA Gedge Perjury"

"Gemma" - AT THE River He made THEM Strip Down NAKED

"Bray" He made your son strip Down NAKED?

"Gemma" - I confronted - I mean, He said mom, He didnt make me, kinda He made THE girls And then He said, well, THE girls are NAKED so you must, you might AS well AND my son said OKAY!

Page 1482

District Attorney Count 4

D.A. UNLAWFUL sexual penetration in the First degree. Again we have Olivia's Testimony AT Trial, Defendant used HIS HAND TO TOUCH her Multiple Times, THAT Happened when He WAS baby sitting AND SHE WAS UNDER THE blanket WITH Avery. AND AT THAT Time, Olivia said Defendant TOUCHED THE inside of her Front Private. THATS THE diagram you ALL SAW Earlier, State's exhibit 25 THAT ASHTON Drew of where ALL were sitting when THIS Happened.

→ NOTE. District Attorney Lie ←

District Attorney said THE diagram ASHTON Drew Showed where ALL were sitting, when THIS Happened!! Exhibit "51 G" is ^{ASHTON'S} Stryker's Statement where He SAID I WAS never under the blanket AND He never SAW me TOUCH Olivia. / District Attorney "perjury 1"

"Note, District Attorney lie Again"

AND He TALKED ABOUT He remembered it THE one Time because baby Matthew Hadn't been born yet AND WAS being born THE OTHER Time. because He WAS Holding baby Matthew AND He WAS Turned AWAY because He didn't want to look! / D.A. Perjury 1 ←

"Exhibit 51 D"

Gemma

Page 679-681

AND I ASKED ASHTON AND ASHTON said He didn't Dare look. He WAS just, Had HIS eyes closed AND WAS looking Forward. AND olivia goes, He licked US Mommy, He licked US, AND SHE Had THIS icky Face on, ew, AND so like He licked us,

"THE page proves Gedge committed perjury." ←

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District Attorney's, committing Felony Perjury!
"Negative Evidence"

Evidence suggesting THAT AN ALLEGED FACT
DOES NOT exist, SUCH AS A witness Testifying
THAT He or she did not see An event occur.

"PROOF" Olivia Jury TRIAL Page 608

D.A. So Did you see grandpa Michael Touch Avery
on Her FRONT PART?

Olivia, yeah.

D.A. And WHAT part of His body did He use TO
Touch Her?

Olivia HIS HAND

DA. OK SO HIS HAND, How many Times did you see
Grandpa Michael Touch Avery with His HAND?

Olivia ONLY ONCE

D.A. Do you remember where THAT WAS?

Olivia I THINK, I dont know, I Dont Remember

DA. OKAY. Anything, Did you see Him Touch Her
with Any other part of His body?

Olivia "NO!"

DA. Did you remember TALKing To Michaela About
Some Touching of Avery's body with Grandpa's
FRONT PART or Grandpa's Boy part?

Olivia yeah.

DA. I know THATS probably really Hurtful And Hard
TO TALK About, Did you see THAT Happen?

Olivia "NO!" ←

NOTE

"Olivia Told THE TRUTH" And basically "Recanted!"

34

Page 1015

OLIVIA'S Island Story

Cares

So Hot dog And Avery?

OLIVIA

Uh huh

Cares

OKay - And did you ever see with
your own eyes or did somebody
tell you or

OLIVIA

Avery Told me

Cares

OH, So Avery Told you, Have you
ever seen it Happen To Avery with
your own eyes,

OLIVIA

SHAKING HEAD NO!OLIVIA in Jury TRIAL Page 608D.A. Did you see THE Defendant, your
grandpa michael Touch Avery on Her Front
Part?

OLIVIA

yeAH!

D.A.

And WHAT part of His body did He use To
TOUCH Avery?

OLIVIA

His HAND!

D.A.

OKay, So His HAND, How many Times Did
you See Grandpa Touch Avery with His HAND

OLIVIA

only once

D.A.

Do you remember TALKING TO michael About
Some TOUCHING Avery with Grandpa's Front part?

OLIVIA

yeAH!

D.A.

And I know THATS probably really Hurtful
To talk About, Did you see THAT Happen?

OLIVIA

NO!

43-A

21

District Attorney Perjury Page 559

D.A. SHE SAYS (OLIVIA) THAT SHE SAW THE DEFENDANT
HAVE ESSENTIALLY SEXUAL INTERCOURSE WITH AVERY,
ALTHOUGH WHAT SHE SAYS IS THAT SHE SAW THE
DEFENDANT PUT HIS HOT DOG IN AVERY, SHE SAW
THIS WITH HER OWN EYES!

"Perjury 1"OLIVIA JURY TRIAL Page 608

DA. DO YOU REMEMBER TALKING TO MICHAELA ABOUT
SOME TOUCHING OF AVERY'S BODY WITH GRANDPA'S
FRONT PART OR GRANDPA'S BOY PART?

OLIVIA YEAH.

DA I-I-AND I KNOW THAT'S PROBABLY REALLY, REALLY TO
HURTFUL TO TALK ABOUT, DID YOU SEE THAT HAPPEN?

OLIVIA NO!

OLIVIA in Cares Pages 1094-1095

Cares WHAT'S WITH AVERY?

OLIVIA HOT DOG

Cares OKAY

OLIVIA AND AVERY

Cares SO HOT DOG AND AVERY

OLIVIA UH HUH

Cares OKAY-AND DID YOU EVER SEE WITH YOUR OWN EYES
OR DID SOMEBODY TELL YOU?

OLIVIA AVERY TOLD ME

Cares OH AVERY TOLD YOU, HAVE YOU EVER SEEN IT HAPPEN
TO AVERY WITH YOUR OWN EYES

OLIVIA SHAKING HEAD NO!

45

(1)
22Coglianesse Interview with Olivia

Page 985

Cares Did somebody tell you, you can't talk about it?

Olivia Huh-uh

Page 986

D.A. And can you indicate of up in the upper left hand corner what at this point Olivia has written here?

Cares → I believe, but I might be a little confused just because of the paper, there's no clear lines to indicate what she wrote, so it's kind of all over the place. But I believe that at this point, she had written mad and yep. And on the paper there's two yeps, and a yes, so I'm not sure if she's done all three or just one or two of them, I apologize, I think she also might have written Does, but this point, that's spelled like those, and I'm not quite sure, I'm sorry! ←

Page 987

Olivia I want my mom

Page 991

Cares So you said that Michael Does something that makes you mad! tell me about that!

Olivia Hmmm

Cares I'm having a hard time reading that! What does it say? ←

Olivia Hands, hand touched

Cares Oh, hands touched, okay, you're speaking super quietly so I'm going to repeat what you

46

②
23

SAY, JUST TO MAKE SURE I HEARD IT
CORRECTLY, SO HANDS TOUCHED OKAY.

Page 992

Cares

I'm sorry I'm having a hard time reading that! ←

Olivia

I want my mom.

Cares

How come you want your mom?

Olivia,

OKAY, SO I CAN TELL HER WHAT I SAY TO
HER AND SHE CAN SAY TO YOU!

Page 993

District Att.

States Exhibit 21. THERE WAS A PART OF
WHERE SHE WHERE OLIVIA DREW AN OBJECT OR
A ITEM, WHAT WAS OLIVIA DRAWING?

Cares

I'm not sure, I don't know whether it was ←
RELATED TO WHAT WE WERE TALKING ABOUT OR NOT. ←

Page 1001

Cares

Sometimes when I TALK TO CHILDREN AND
THEY DRAW SOMETHING, AND THEY VERBALLY
DESCRIBE WHAT IT IS, AND THEY DON'T WRITE
IT DOWN. I WRITE IT DOWN MYSELF JUST SO
→ I CAN UNDERSTAND WHEN I LOOK AT IT LATER
WHAT WE WERE TALKING ABOUT.

Attorney

OLIVIA'S ASKING YOU NOT TO SAY SOMETHING
OUTLOUD, YOU HAVE TO WHISPER IN HER EAR.
CAN YOU IDENTIFY FOR THE JURY WHAT IT IS
ON THE PAPER THAT SHE DOES NOT WANT
YOU TO SAY OUTLOUD?

Cares

→ I'm not sure AT THIS POINT, I DON'T
WANT TO TAKE A GUESS. I'm sorry ←

ON PAGE 43 THE CARES COACHED OLIVIA AND TOLD
OLIVIA YOU WERE SCARED HE WAS GOING TO DO IT
TO HER. OLIVIA DIDN'T SAY THAT! CARES SAID IT!

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③₂₄

Olivia
Page 1006

Olivia
Cares

I dont, I do, I dont?

So this paper, so this paper to this paper.
Well thats going to be confusing, okay
so lets go - lets start another paper,
because I am now getting confused which
are your new answers and which are
your old answers. ←

Page 1013
Cares

Okay so can you maybe fit it on one
page. because I Dont want to lose the
page's and forget which one goes where, ←

COACHING

Page 1036

Cares - what was grandpa wearing? T shirt, okay
Im Having a Hard Time seeing you, so you were
both in the water, and he had a T shirt on and you
had - yeah - okay - and, huh? oh you and Avery
didn't have nothing on okay. while you were in
the water where was Stryker and Ashton, in the
water? I saw you and your head, okay ←

"Olivia," But they were playing somewhere else!

"Cares," what did the finger do, I see you
moving your pen but I dont know what it means. ←
okay is that what the finger was doing or are you ←
showing me something else? Finger, so finger was ←
going like that? okay, did anything go inside?
Hot Dog, Avery, But did anything go inside
your body? oh finger went inside. How did
that feel in your body? ← Wierd Question By
The COACHING CARES lady -